

March 1955 Volume XLIV, No. 3

# NATIONAL MUNICIPAL REVIEW

*A SYMPOSIUM*

*On*

## Home Rule

### Pittsburgh: A New City

- We Need Better Citizenship Training
- School Bond Plan Analyzed
- Urge City-County Merger

Published by the NATIONAL MUNICIPAL LEAGUE

# National Municipal Review

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## News of the League

# NML Moving This Month

The sound of power drills and hammering is echoing today in a six-story structure in Manhattan's fashionable east side. These sounds will soon be supplanted — perhaps this month — by those of typewriters and mimeograph machines.

The scene is at 47 East 68th Street, the new headquarters of the National Municipal League.

Contracts for alterations and adjustments required by the New York City Building Code were let in February, immediately after which construction work began.

Drawing rooms and bed rooms are being partitioned to make them suitable for office purposes; fireproof doors are being installed, the elevator overhauled, shelves built, and the entire building is being redecorated.

(Continued on page 171)



Those attending the 61st Annual National Conference on Government in Seattle July 24 to 27 will be able to combine an inspiring meeting with inspiring sights. En route to or from the conference, delegates will be able to stop off at such resorts as Banff, in the Canadian Rockies (above). Meanwhile top officials of the conference local executive committee gather in Seattle to lay their plans (below). Left to right, seated: Dr. Henry Schmitz, president of the University of Washington, honorary conference chairman; Ben B. Ehrlichman, general chairman of the conference; H. B. Everest, University of Washington vice-president; Standing: Dr. Donald H. Webster, director, Bureau of Governmental Research, University of Washington; Myron C. Law, president, Municipal League of Seattle and King County.





## 'I Take Pleasure . . .'

To eleven communities, stretching from New Jersey to California, representatives of the National Municipal League in recent weeks presented certificates betokening victory in the All-America Cities Awards competition. League council member Karl Detzer presents All-America certificate to mayor of Pueblo, Colorado, (top, left) as President George H. Gallup does likewise in Chicago (top, right). Mexico, Missouri, receives its All-America banner (left) during ceremonies in which John B. Gage (not shown) represented the League. Modesto, California, stages a parade to celebrate (below).





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## Editorial Comment

### Freedom for Our Cities

**"NO TEST** of the sincerity of our political beliefs, no test of the fitness of the machinery of our state government is so crucial as the success of the state in enabling the citizens in their own communities to handle for themselves the governmental problems that properly belong to them for solution. Local self-government is our oldest political institution and it should be the most vigorous. That way lies the avoidance of unnecessary centralization, whether in the state capitol or in Washington. But decentralization is only as good as the actual capacity of local governments to meet the demands upon them."<sup>1</sup>

This paragraph from the 1950 report of the Connecticut Commission on State Government Organization sets forth one of the most important tests by which to judge a state constitution and government. This test takes on special meaning in view of the current reappraisal of intergovernmental relationships by the national Commission on Intergovernmental Relations headed by Meyer Kestnbaum and by various state commissions. Back of this reappraisal is the growing recognition that the centralizing effects of modern technology and economics need to be counteracted by more conscious efforts to strengthen government at the state and local levels.

This is why several articles in this and the following number (April) of

the REVIEW are devoted to home rule. Each article deals with a different approach to or aspect of the subject. Taken together, they report on progress that has been made and discuss problems that are yet unsolved. They demonstrate with special clarity that keeping our governmental institutions and practices in line with the times is a task that calls for constant cooperation among citizens, public officials and technical experts.

It is this kind of teamwork for which the National Municipal League was established and which it fosters through the National Conference on Government, the NATIONAL MUNICIPAL REVIEW and in many other ways. This teamwork has won substantial home rule for thousands of communities in the last half century and let loose the local civic forces that have demonstrated that the local community can still provide the best proving ground for democracy in this age of big government.

Home rule, as the Connecticut report indicated, is primarily a state problem. It is true that "decentralization is only as good as the actual capacity of local governments to meet the demands upon them." However, the capacity of local governments depends largely on their area and fiscal resources, which in turn depend upon the way in which the state exercises its powers over the incorporation, boundaries and revenue sources of its political subdivisions.

Local capacity also depends upon

<sup>1</sup>The Report, Commission on State Government Organization, State of Connecticut, February, 1950, page 45.

the form and structure of the local government and its ability to use modern administrative and service methods. There are still many municipalities whose states deny them the opportunity to obtain the benefit of sound organization and management afforded by a good modern charter. In spite of the disagreements among the experts revealed by the articles in this issue, there is no disagreement on one matter. That is, that there is no possible excuse for any state to continue to force an outmoded system of government on any of its municipalities, as Pennsylvania does in requiring most of its cities to operate with the discredited commission form.

It is equally inexcusable for states to continue, as many do, to require their municipalities to go to the state legislature for permission to regulate the use of roller skates, bicycles or scooters on sidewalks, or

to condemn property for off-street parkings, or to buy uniforms for members of the police force or to increase the pay of a stenographer.

When the state denies the right of local people to take the initiative in improving their local machinery and meddles in the minute details of local affairs, it saps the foundations of democracy. It fosters discouragement and cynicism among the people and irresponsibility among local officials. It also diverts the attention of members of the legislature from important matters of statewide concern and encourages them to fritter away time and prestige in log-rolling and back-scratching to secure passage of pet local measures. All these evils, in turn, tend to encourage resort to Washington for action on important state and local problems that citizens feel are being neglected or ineffectively dealt with at home.

### How to Kill a Secret Boss

**I**N CALIFORNIA a mere change in mechanism pulled the rug from under Arthur H. Samish, the "secret boss" of the legislature and powerful lobbyist now on bail pending appeal from a three-year sentence and \$40,000 fine for federal tax evasion. There was a five-man Board of Equalization [tax assessment], an obscure body elected one member from each of four large groups of counties, plus the state controller. The circumstances were ideally suited

to elude voter attention. To this board, over its own opposition, was confided the control of liquor in 1933 and Samish found it easy, by lavish selective campaign support, to man it and dominate it and its 68,000 licensees in the interest of his brewery clients. In November, by a two-to-one vote, liquor control was taken away from the Board of Equalization and vested in a director and a three-man appeal board appointed by the governor.

# Pittsburgh, a New City

Smoke control, rebuilt business district, cleared slums, super-highways bring visitors from afar.

By ALFRED STEINBERG\*

**B**RAWNY Pittsburgh has always shouldered a heavy load as the industrial workshop of the United States. With the surrounding area, it has consistently produced about a quarter of the nation's steel, or more than the total output of Germany, Japan or Britain. But today Pittsburgh is working even harder at something different. A former eyesore, cursed by travelers and despised by local residents, it is excitedly rebuilding itself in a park-like setting. It is showing the world, for, if Pittsburgh can rebuild, any artery-hardened city in the world can do the same. So far 39 American cities have dispatched delegations to Pittsburgh to talk with officials and walk through the streets to learn first-hand how it is creating anew. Last summer, visiting planning engineers, architects and government officials came from Britain, Germany, France, Belgium, Sweden and other European countries. Still others have traveled from South America. Some have come skeptically; some to find inspiration and practical means to reclaim their own dying cities.

All have found visible proof wherever they turned in the city. Walk through Gateway Center, the rebuilt

business district, and you see stainless steel skyscrapers soaring heavenward. Foliage spreads between the buildings. There is a proud hum of talk in the smoke-free air. At the Point ahead, where the Monongahela and the Allegheny join to form the Ohio River, the green grass of a new 36-acre park marks the site of historic Fort Pitt and of a more recent industrial squalor.

In the background a round wall-breaker is crashing angrily into outmoded business buildings and rumbling them to dust. In the midst of this demolition a new 30-story aluminum building and a 41-story stainless steel one have grown. The square block that separates them is being fashioned into a park with a six-story parking area beneath. Up this block and down the next, workmen are sandblasting decades of grime from still worthwhile structures. Where commercial Pittsburgh subsides, heavy machinery will soon be lumbering into a 105-acre housing slum to wipe it off the face of the earth.

There are other rewarding features. New super-highways bypass the city's outskirts. Downtown public parking garages, a block long and stories high, beckon motorists. An enterprising road program that will speed local traffic to the center of town on multi-lane highways is

\*Mr. Steinberg is a free-lance writer who has contributed to many magazines of national circulation. He has been covering the national political scene since 1948.

well under way. A new airport, complete with hotel, has shot up—larger than New York's La Guardia and Washington's National Airport combined. Booming industrial expansion, research centers and housing developments are under way.

One of the things visitors are bound to notice is the enormous enthusiasm of the people of Pittsburgh.

Civic pride is at an all-time high and it shows itself in little and big ways. When a dark ripple of smoke appears anywhere in town, the switchboard at the Bureau of Smoke Prevention is jammed by callers demanding an immediate investigation. Neighbors compete frenziedly in cleanup contests.

#### Vote Bond Issues

**A**PPEALS for funds are being met nowadays with speed. Mayor David L. Lawrence reports that a \$21,000,000 city bond issue for public improvements and a \$36,000,000 county issue carried by a vote of more than two to one at the polls. "Fifteen years ago they wouldn't have had a chance," he says.

Yet only a few years ago Pittsburgh seemed to be at the end of its rope. It had started life clean enough as Fort Pitt. But its great beds of bituminous coal and easy access to river water made the city a natural steel center. And as the steel industry grew, the area became ragged and smoky. Even in the 1840s Charles Dickens on an American tour referred to the city scornfully as: "Hell with the lid lifted!"

By 1944 Pittsburgh was the dirtiest pile of slag in the United States. Belching industrial smoke and soft

coal home burners spread a blanket of smog so heavy over town by 10 A.M. that stores and autos had to turn on lights. Housewives didn't dare hang laundry in back yards. Businessmen found their clothes grimy and their faces streaked with soot after being downtown an hour. When Pittsburghers inquired the cost of outside help to bring their city out of its tailspin, Frank Lloyd Wright, the eminent architect, replied, "It would be cheaper to abandon it."

For a quarter-century almost no construction had taken place. Transportation experts blasted the city's continual traffic snarls and lack of parking space. Menacing polluted flood waters of the Monongahela, Allegheny and Ohio Rivers lapped the factory-lined shores and spilled over frequently. A neighboring West Virginia water official shook his fist angrily at the floating disease. "The Ohio River as it reaches Wheeling is not a river but a thinly diluted sewage canal."

Worst of all was the grim, hopeless attitude around town. Pittsburghers were notoriously ashamed to say where they came from when traveling. If they admitted it, they hastened to mention plans about moving soon. Business also was down on the place. Various steel industrialists were planning to abandon mills and build elsewhere. Companies complained of their inability to compete with other firms in outside areas for young executives. Many a time a man had agreed to come, only to back out when his wife refused to move to the dying horror called Pittsburgh.

Yet from all this a new city has risen. The start came when General Richard K. Mellon, Pittsburgh's banking and industrial tycoon, returned to the "Smoky City" in the spring of 1945. On his first day home his wife Constance laid down the law. "You've got to do something about Pittsburgh—or we'll move away," she told the man whose desk push buttons set things in motion at such varied concerns as Westinghouse Air Brake, Gulf Oil and Koppers Company.

"I just couldn't afford to lose such a wonderful wife," says Mellon. "So I decided to do something."

#### Development Conference

**P**ITTSBURGH had already fumbled through the normal quota of planning organizations, but the hopelessness of their task had always defeated them. Two years earlier Mellon had played a part in organizing the Allegheny Conference on Community Development, a private, nonprofit planning and coordinating organization. He now intended to use the conference in helping Pittsburgh make a comeback.

To carry out its work the group needed qualified unselfish leadership. But Pittsburgh business leaders had never shown any desire for civic responsibilities. Their concern ended at the factory gate. To ask competitors to cooperate for the community's good was so wild a concept that it was good for a laugh at the exclusive Duquesne Club.

Mellon started by putting his name and reputation behind the conference. He then urged other prominent business and professional

men, educators and religious leaders to join. Wallace Richards, a former new dealer, served as idea man. Park H. Martin, shrewd engineer, became executive secretary and trouble shooter. Arthur Van Buskirk of the Mellon interests took on the job of quarter-backing the conference.

One conference rule was that no big name could accept token honor for the firm he represented and then slough off work on proxy underlings. All members were to serve personally as private citizens. Once such persons rubbed elbows on community problems, a great kinship developed. No one talked business—they all talked Pittsburgh.

#### All Members Active

No job detail was beneath the dignity of members. James F. Hillman, coal magnate, worked on parks; Gwilam A. Price, president of Westinghouse, brought in engineering experts; Edgar J. Kaufmann, department store head, looked into cultural activities; Clifford F. Hood, now president of U. S. Steel, worked on the proposed airport; Dr. E. R. Weidlein, president of the Mellon Institute, checked into smoke abatement; David J. McDonald, president of the United Steelworkers, examined plans for a new civic auditorium. In time, hundreds of citizens plunged into the "Pittsburgh Program."

The amazing thing was the blossoming of civic unselfishness. The Baltimore and Ohio Railroad agreed to accept \$500,000 less than its asking price for property, thus resolving the differences that could have held up the highway program five years. Horne's Department Store



willingly divested itself of valuable property in order to make way for a street-widening project. Local unions convinced 250 worker families to accept proffered prices for their homes and forego court appeals so that an industrial firm could expand its plant on their property. The late E. T. Leech, editor of the *Pittsburgh Press*, gave his enthusiastic okay to a program to rip out an ugly Pennsylvania Railroad approach that delivered his raw paper. At personal expense he installed an escalator and shifted his raw paper deliveries to higher cost trucking.

The conference had another big problem to hurdle. Much of the program hinged on political authorization. Almost all conference members were Republican voters, the city and county were in Democratic hands, the state administration was Republican.

#### Politics 'Out Window'

MELLON and others in the conference began holding luncheon meetings with Democrats Mayor Lawrence and County Commissioner John J. Kane and Republican James H. Duff, then Pennsylvania's attorney general. "We threw politics right out the window," says Jim Duff. Enthusiasm ran so high at one point that Lawrence appointed three Republicans to a five-man Redevelopment Authority committee, and became chairman himself at the request of the Republicans. "I never thought I'd live to see the day when I'd put my own party in a minority," the mayor grinned.

The conference's first crucial test was to grapple with Pittsburgh's

smoke. In 1941 the city had passed an ordinance against smoke but officials never put the law to work. First, the war came on and, second, almost everyone in industry as well as private citizens who burned cheap soft coal in their homes exploded in opposition. The conference's troubles were compounded by the fact that many Pittsburghers had been scarred by the depression of the 30s. They had a strange sentimental attachment for the vile smoke—it meant busy factories and men at work.

The conference mulishly plugged away. Members were closeted with Mayor Lawrence, who was warned by advisers that smoke removal would prove his political tombstone. Yet in 1946 Lawrence agreed that smoke had to go. He announced a time-table banning use of soft coal without smokeless burning equipment for industry and a date a year later for home users. Still later the conference helped bring about a county-wide ban.

Results were phenomenal. In the first year smoke had declined 39 per cent. Industry spent \$200,000,000 to conform to the smoke regulations and found the results worth while from the raised morale and increased efficiency of employees. In one year shopkeepers spent a million dollars to scrub their buildings, while others invested \$15,000,000 in new store fronts. From 298 hours of heavy smoke in 1946, the total withered to sixteen in 1953. The early strong opposition blew away with the smoke and was replaced by a booming hurrah.

There were still other problems to

solve. Where the Monongahela and the Allegheny Rivers joined, the city formed a natural triangle at the tip of which there festered a 36-acre jungle of slag heaps, railroad trestles and yards, shacks and verminous warehouses. Earlier planning groups had demanded the overhauling of this area as a state park to commemorate Fort Pitt, but the plans had failed to win state approval. Under the guidance of the conference the state offered property owners reasonable prices for their land. For good measure Mayor Lawrence agreed to throw in four acres of streets the city owned at the point. When conference members presented a redevelopment plan to historically-minded Governor Edward Martin he leaped at it, with the result that Point State Park got under way.

#### **New Business District**

But these were only a warm-up for things to come. Establishment of a park made the depressed business district behind it stand out like Dante's inferno. Unless something was done to spruce up this area the park would be isolated from the rest of town. Conference members decided to level the area and build a new business district. To New York went some to query eastern business interests about redeveloping the area. The Equitable Life Assurance Society expressed an interest, but Pennsylvania law was inadequate to meet the needs of the new project. The time had come for political action. The "Pittsburgh Package," as the legislative program of the conference was called, went to the state capital for the January 1947 session.

Bills were fought, rehashed, killed and revived. Finally, eight of the ten points of the program were law.

Now a novel Urban Redevelopment Authority was set up, with the right to condemn private property for government use. It could also condemn private property for transfer to another private owner if such action furthered the public interest. The conference realized that only via this technique could Equitable acquire the 23-acre squalid business district in one package and rebuild it. Otherwise, should only one property owner there refuse to sell, the entire project would have been stymied. Several court cases tested this approach. Finally the U. S. Supreme Court affirmed its legality.

Since then Equitable has created a park setting at what has been named Gateway Center and so far has constructed three stainless steel skyscrapers. Eventually, modern structures will entirely replace the uprooted railroad trestles and outmoded buildings once standing there.

**T**HE conference has continued to have one success after another. The men have used their own time and money and have spent long hours away from their businesses to improve Pittsburgh. But all admit satisfaction from their civic efforts. Part of this satisfaction has come from watching Pittsburgh hold her own industrially under the impact of the rebuilding program. A noteworthy assortment of about 250 new industrial firms has moved into the Pittsburgh area. Instead of building a new plant elsewhere, Jones

& Laughlin Steel has invested most of its \$500,000,000 expansion program in two Pittsburgh district plants. Other industrial programs bring the total to more than one billion dollars. Among these will be the world's first privately financed atomic plant, which will be completed in 1957 by Westinghouse and the Duquesne Light Company at a cost of some \$85,000,000.

Perhaps a greater share of the conference's satisfaction lies in its efforts to provide more than the frosting on the cake for the average citizen. A \$50,000,000 private program is under way to make Pittsburgh the medical center of the world. With donated funds the conference has purchased and given the state several thousand acres of forest land and streams 40 miles north of Pittsburgh for a community play area. It has also spearheaded an educational television station, WQED, which provides among other things courses leading to an accredited high school diploma for viewers. By private gifts the conference has been able to establish three small parks—each an acre in size—in congested neighborhoods. The city has taken them over and recently added six more. Also by private purchase, but with public operation, a children's zoo now exists.

Enthusiasm in Pittsburgh's renaissance shows no signs of slackening. Currently the conference president is William P. Snyder, III, who heads the Shenango-Penn Mold Company.

Snyder, in his early 30s, typifies the developing conference. On one hand complaining, "It cuts into my business and my time," he quickly adds, "but the job has to be done and there's so doggone much work to do—maybe 25 years of it. Pittsburgh is still far from the end of the rainbow."

#### **Jobs Still to Be Done**

There are two 1955 conference undertakings that are of prime importance. One is the rebuilding of the urban jungle known as Lower Hill, where 2000 families have wedged themselves into 105 teeming acres of slum, crime and disease. The other is the completion of the Penn Lincoln Parkway system.

Nothing will hold the city back now that its citizens have realized their new pride. Not long ago a friend of Mellon came to town and climbed into a taxicab. As the cabbie started off toward his destination he asked his fare if he had been in Pittsburgh since it had begun its face-lifting. When the passenger said no, the driver slammed on his brakes, disconnected his charge meter and faced him excitedly. "Mister," he shouted proudly, "if you have the time I'd like to show you at my own expense what we've done to Pittsburgh."

As the driving force behind the conference, Mellon likes this story because it shows the new Pittsburgher who has risen with the new Pittsburgh.

# Home Rule—NML Model

League provisions divide powers between state and city; exempt local powers from legislative control.

By ARTHUR W. BROMAGE\*

STATES which desire to write home rule into their constitutions or to revise existing home rule systems are now confronted with two major "models," each appearing under the imprint of an important national organization. These divergent models are published respectively by the American Municipal Association and by the National Municipal League. The AMA model was printed in 1953 under the title, *Model Constitutional Provisions for Municipal Home Rule*; the NML model was presented in the fourth edition of the *Model State Constitution*, published in 1948. No one experienced in such problems would seek to hold dogmatically that the one is "right" and the other is "wrong." This is a case where reasonable men can differ; where a discussion of relative merits and disadvantages is in order.

The core of the divergence between the two models lies in the defi-

nition of the so-called self-executing powers of cities. The AMA model endows the home rule city with power in these terms:

A municipal corporation which adopts a home rule charter may exercise any power or perform any function which the legislature has power to devolve upon a non-home rule charter municipal corporation and which is not denied to that municipal corporation by its home rule charter, is not denied to all home rule charter municipal corporations by statute and is within such limitations as may be established by statute. (Section 6.)

In the explanatory notes it is stated that this draft does not create an *imperium in imperio*. (Page 20.) In introductory notes it is explained that:

The distinctive feature of the present draft is a constitutional grant of substantive powers, which is effective without the aid of enabling legislation but is not beyond legislative control. This reverses the traditional non-home rule pattern; the power is there unless clearly denied by positive enactment. The familiar home rule distinction between general and local affairs, a distinction which has defined reasonably predictable application because of its lack of a firm rational core, is laid aside. (Page 6.)

This leads us to what must be deemed, in my opinion, the principal weakness of the AMA model. There is, with certain exceptions, no home rule power which is beyond

\*Dr. Bromage, professor of political science at the University of Michigan, was a member of the city council of Ann Arbor from 1949 to 1953. He is author of *Manager Plan Abandonments*, *On the City Council*, *A Councilman Speaks*, and numerous other books and articles in the field of state and local government and administration. This article is based on Dr. Bromage's paper presented at a panel discussion on home rule before the National Conference on Government of the National Municipal League, Kansas City, Missouri, November 10, 1954.

legislative control. This doctrine is implicit in the phraseology, "is not denied to all home rule charter municipal corporations by statute." In other words, whether the subject matter be of statewide interest or what might be deemed a local affair, the legislature may by positive enactment deny power to all home rule charter municipal corporations. A legislature determined to restrict the sphere of municipal home rule may do so. The doctrine of *imperium in imperio* has been avoided, also the dichotomy of statewide interest matters vs. local affairs. The burden upon the courts of resolving through interpretation the limits of home rule doctrine as an *imperium in imperio* has been avoided.

#### A Prime Problem

**Y**ET, and this is the key problem, have not these results been achieved at too great a price? The cities are left to legislative grace and good judgment. If the legislators wish to delimit seriously the powers of all home rule charter municipal corporations they may do so, with certain exceptions.

What is to prevent the legislature from setting, for example, a minimum salary scale and maximum hours of employment for all home rule cities? The AMA model recognizes the possibility of such drastic limitations by restricting state legislative power as to municipal executive, legislative and administrative structure, organization, personnel and procedure by making "charter" provisions of superior authority to statute. (Section 6.)

Moreover, section 10 provides

that: "State legislation requiring increased municipal expenditures may not become effective in a municipal corporation until approved by ordinance enacted by the legislative body of the municipal corporation, unless the legislation is enacted by a two-thirds vote of all members elected to each house of the legislature or funds sufficient to meet the increased municipal expenditure are granted to the municipal corporation by that legislation or separate legislation enacted at the same session of the legislature."

By the limiting language of sections 6 and 10 the AMA model recognizes and seeks to meet certain dangers which evolve from the basic home rule doctrine which it embraces. On the other hand, what is the situation concerning legislative limitations on local affairs where structure, organization, personnel and increased expenditures are not involved? The answer must lie in legislative good judgment in avoiding the foreclosure of home rule power which has been constitutionally conferred.

To take a different illustration, what is to prevent the legislature from prohibiting the development of municipal ownership of utilities? The answers, in my judgment, must be found outside the legal doctrines of the AMA model. They must be found in legislative grace or tolerance, or in the power of a state municipal league to influence legislators from passing laws applicable to all home rule cities and crippling in effect. In this perspective, the AMA model is self-executing with an important reservation. The res-

ervation is that the self-executing power is subject to legislative interference by positive enactment. This is a reservation which cannot be dismissed lightly if we are aiming at "model" home rule doctrine.

#### NML Model

**B**Y WAY of contrast, the National Municipal League model, as presented in the *Model State Constitution*, sets forth the powers of home rule cities in broad general terms to pass laws and ordinances relating to local affairs, property and government, with specific enumeration of certain powers. Section 804 grants each city full power and authority to pass ordinances relating to its local affairs, property and government. There follows in section 804 [subsections (a) to (i)] a partial enumeration of the powers conferred on home rule cities. This enumeration does not limit or restrict the general grant of municipal power. On the other hand, the legislature's power to enact laws of statewide concern uniformly applicable to every city is not restricted.

Briefly, what are these enumerated powers within the general power to pass laws and ordinances relating to local affairs, property and government? The following are deemed to be part of the powers conferred when not inconsistent with general law:

(a) To adopt and enforce within their limits local police, sanitary and other similar regulations.

(b) To levy, assess and collect taxes, and to borrow money and issue bonds, and to levy and collect special assessments for benefits conferred.

(c) To furnish all local public services; and to acquire and maintain, either within or without its corporate limits, cemeteries, hospitals, infirmaries, parks and boulevards, water supplies and all works which involve the public health and safety.

(d) To maintain art institutes, museums, theatres, operas or orchestras, and to make any other provision for the cultural needs of the residents.

(e) To establish and alter the location of streets, to make local public improvements, and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements, and also to acquire additional property in order to preserve and protect such improvements, and to lease or sell such additional property, with restrictions to preserve and protect the improvements.

(f) To acquire, construct, hire, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(g) To issue and sell bonds, outside of any general debt limit imposed by law, on the security in whole or in part of any public utility or property owned by the city, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(h) To organize and administer public schools and libraries.

(i) To provide for slum clearance, the rehabilitation of blighted areas, and safe and sanitary housing for families of low income, and for recreational and other facilities incidental or appurtenant thereto; and



gifts of money or property, or loans of money or credit for such purposes, shall be deemed to be for a city purpose.

It must be conceded that this language seeks to create a self-executing *imperium in imperio*. There is a realm of home rule power, partially enumerated, which is not subject to legislative grace or tolerance. In case of conflict between this sphere of home rule power over local affairs, property and government and a statute which purports to restrict this power because of statewide concern, the courts must decide. There is under the NML model a more restricted legislative power to interfere, as exemplified by the statewide concern doctrine, and a greater potential burden upon the courts. The defenses against legislative interference are theoretically more intricate and this, in my judgment, is an advantage. The disadvantage lies in the judicial determination of what constitutes a local affair or a matter of statewide concern, in other words, the burden upon the courts.

#### Ohio Courts Friendly

The introductory note to the AMA model cites with approval five judicial decisions in Ohio since 1949 which evidence an atmosphere most friendly to home rule. The statement is made (page 11): "It must be evident that these cases reflect a great change in judicial approach, a change markedly favorable to municipal autonomy." Strictly speaking, it is difficult to see how this reversal of judicial attitude buttresses the case for the AMA model. It could be argued equally, if not more properly, that the Ohio cases reflect

the advantages of an *imperium in imperio* provided judicial climate is favorable to a broad grant of "local self-government." In other words, the Ohio decisions occurred under a home rule doctrine which is more approximate to the NML model than to that of AMA.

The doctrine of an *imperium in imperio* arose out of the struggles of our developing municipal corporations with rural state legislatures. One might be willing to give more acceptance to the AMA model if there were greater assurance, over-all, of the reapportionment of state legislatures in the direction of greater urban representation. A state legislature representing urban populations more accurately might be entrusted with the kind of "life or death" discretion over a municipal home rule power, delineated in the AMA model.

SINCE we still have evidence of continuing rural dominance of state legislatures in urbanized states, the safer course for cities appears to be a kind of home rule that does create the so-called *imperium in imperio*. It does give a measure of protection to cities in states where the legislature is still dominated by representatives and/or senators from rural districts. The principles of the NML model (section 804) are deemed to be the most practical as a model in the light of legislative and judicial history in an area of continual conflict, namely substantive home rule powers.

Another point at which the AMA model differs from that of the NML relates to the doctrine of classifica-

tion by population. The AMA model contains an open invitation to a state legislature to classify municipal corporations into not more than four classes. Optional charter plans may be made applicable to all classes of municipal corporations or to a particular class (section 3). Under the NML model, provision shall be made by general law (which may include optional plans) for the organization and government of cities.

Admittedly, general laws can result in general laws classified by population, provided any legislature is so minded and the courts will so determine. Yet, the NML model puts the emphasis where it belongs on the general law and on general optional law forms. To the contrary, the AMA model emphasizes the feasibility and probability of proceeding under classification by population. This appears to be an unfortunate aspect of the AMA model, since classification has been abused, as it was in Ohio before home rule was adopted.

The AMA model makes provision that original incorporation of cities shall be left to the legislature. Original incorporation under a home rule charter is not permitted; charter-making powers are conferred upon cities which are already *in esse*. A city is left with three choices: (1) to continue to operate under the form of government and powers of the general law under which it was incorporated; (2) to elect any available optional charter legislation; and (3) to frame a home rule charter.

The requirement that a city serve an apprenticeship as a general law city before exercising home rule

powers seems to me unduly restrictive. In Michigan, even under a non-self-executing system of home rule, areas are permitted to incorporate initially as home rule cities, without any trial period as general law corporations. Once a city has been incorporated under general law, a period of inertia may be anticipated before resort is made to home rule powers. It is difficult to understand why a city should be forced to go through such an interim stage (which may stretch into an indefinite future) before it can have the salutary experience of drafting a home rule charter and exercising home rule powers.

#### NML Provisions Preferred

**I**N CONCLUSION, my preference still remains with the home rule doctrines of the *Model State Constitution* of the National Municipal League. The *Model State Constitution* provides a broad constitutional grant of home rule power over local affairs, property and government. The subsections of section 804 enumerate large segments of municipal authority, but this is not an exclusive enumeration. In this way, section 804 avoids a broad grant without any enumeration and also avoids constitutional language, such as that of the AMA model, which leaves the determination of the limits of municipal powers ultimately to the legislature, with certain exceptions.

It must be recognized that the ultimate success of the home rule section of the *Model State Constitution*, like many of the home rule articles now in existence among the

(Continued on page 158)

# Home Rule-AMA Model

American Municipal Association plan gives broad powers to cities but retains legislative control.

By JEFFERSON B. FORDHAM\*

**B**Y WAY of beginning, there are several general observations which may serve to provide helpful background for the discussion of municipal home rule in this brief paper.

First, at no time has there been greater need of broad perspective of political organization and governmental institutions. We Americans should not need to be reminded that no political unit is an end in itself. Fundamental are human values, both individual and social. Political instrumentalities are but means to aid in nurturing and protecting those values. One makes bold to suggest that this is true of the national state even though it expects and actually gets the supreme loyalty of the individual. The proposition is certainly no less true of units of local government.

Second, contemporary human affairs, urban and otherwise, are characterized by great complexity

and interdependence. An urban community is neither self-sufficient nor static. Growth is predominantly outward and community problems overrun municipal bounds in a way that emphasizes sharply the artificiality of the usual city geographical configuration. Does this bespeak a definitive constitutional distribution of governmental powers as between the state and urban local units?

Third, the heart of local autonomy is the responsibility for policy decision and execution within a power and structure framework of reasonably adequate scope. It is not essential to local autonomy that the community be able to mark out its own powers definitively, that it have constitutional self-determination.

Fourth, in practical terms home rule must depend heavily upon a favorable climate of legislative, judicial and community opinion. Perhaps the most vital of these factors is community opinion and it depends, in turn, upon communication, upon citizen education and understanding. With a favorable climate a good optional charter plan may mean much greater local autonomy than constitutional home rule in an unfavorable climate.

Finally, it is suggested, more as an aside than as any sort of pronouncement, that it might be helpful to take a fresh look at the problem

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of assuring appropriate local autonomy in terms of the proper arena, forum or governmental level for the "legislative struggle."<sup>1</sup> This posits that policy decision in politically organized society comes out of a struggle of groups and social forces representing varied interests. On this basis one might suggest that as to any given problem the struggle should be conducted at a governmental level which would afford the interested groups a forum commensurate with the problem area. This, to repeat, is but an aside and not a theme to be developed here.

#### AMA Model

IN SEPTEMBER 1953, the American Municipal Association published its *Model Constitutional Provisions for Municipal Home Rule*.<sup>2</sup> While the responsibility for the draft is that of the present author, he acknowledges the great helpfulness of the members of the association's Committee on Home Rule and of the able students of local government who assisted the committee. That draft is the focus of the immediate discussion.

A state has a choice of at least five methods of providing for the government of urban communities. They are special legislation, general legislation, general legislation involving classification, general legislation providing for an optional charter plan and municipal home rule. In practical effect the AMA model provisions make all of the last three

methods available to a municipality. It is true that classification is not made mandatory, but there is every reason to suppose that a legislature would employ it. It will be seen that great flexibility is afforded at the same time that special and local legislation with respect to municipalities is proscribed outright. The model provisions would not permit special and local legislation to be employed even on the application of the appropriate authorities of a municipality. The basis for this will appear more clearly when the central theory of the model provisions is stated.

It is, of course, common knowledge that constitutional prohibitions upon special and local legislation with respect to local government have been evaded by over-refined classification on the basis of population or other factors. It should be of some interest that the AMA model embraces the admittedly rough and ready population factor for classification, but goes on to put a brake on abuse of classification by exacting that there be no less than two municipalities in any population class.

Home rule may be considered in terms of substantive powers, governmental structure, administrative organization and procedure, personnel and the geographical reach of governmental authority.

Substantive powers have been dealt with in traditional home rule thinking on the basis of distribution of governmental authority between the state and the affected local units based on the general or local character of particular powers and functions. The AMA model rejects this general-local dichotomy not only

<sup>1</sup>See Bertram M. Gross, *The Legislative Struggle*, New York, McGraw-Hill Book Company, 1953, *passim*.

<sup>2</sup>The Association, Chicago, 30 pages.

because it strongly tends to dump political questions into the laps of the courts but also because it is not based on a firm, clear line of distinction. It remains to be demonstrated that any particular responsibility of government is inherently either general or local in character. Conditions change and there is no assurance that what might be deemed local today would be so considered a year or so hence.

This dynamic character of the subject militates strongly against resort to specification. It is understandable that many exponents of home rule have seized on the device of specification in order to make sure that by express constitutional provision municipalities will have particular substantive powers without dependence upon the state legislature.

**T**HIS approach inevitably moves toward an undesirable rigidity—undesirable because we need flexibility and adaptability in governmental arrangements. The approach, moreover, if one may use a golfer's term, is by way of allowing for a slice. It proceeds on the assumption that representative government is a failure in the field of state-local relations and proposes to deal with the subject definitively in the organic law. While there is very substantial basis for criticism of state legislatures in this area of responsibility, the fundamental solution is not the creation of *imperium in imperio* but in both improving the legislative branch of the state government in terms of representation and responsible action and in nurturing a congenial climate of public opinion for local autonomy.

There is an important question whether constitutional provisions on home rule should make substantive powers directly available without the necessity of charter-making. This question has been answered in the affirmative in Ohio by interpretation; all municipalities in the state derive substantive home rule powers directly from the constitution and do not have to go through the adjective process of adopting a charter to make those powers available.<sup>3</sup> It is worthy of note, however, that in the latest home rule decision in Ohio the Supreme Court has substantially modified this theory by holding that a non-charter municipality was subject to the general laws of the state with respect to the procedure for the enactment of a zoning ordinance.<sup>4</sup>

#### McBain Theory

The Ohio theory is subject to question. It has not proved meaningful as to the large number of small municipalities and leaves no clear line between charter and non-charter units. In contrast, the approach of the AMA draft is, up to a point, the same as what may be termed the McBain<sup>5</sup> or classical theory. Under both there must be charter-making to render substantive powers available. Beyond that point the AMA draft and the McBain theory diverge. Professor McBain conceived of a home rule charter as an instru-

<sup>3</sup>*Village of Perrysburg v. Ridgway*, 108 Ohio St. 245, 140 N.E. 595 (1923).

<sup>4</sup>*Morris v. Roseman*, 162 Ohio St. 447 (Dec. 22, 1954).

<sup>5</sup>See Howard Lee McBain, *The Law and the Practice of Municipal Home Rule*, New York, Columbia University, 1916.

ment of grant, which spelled out home rule powers. The AMA draft, on the other hand, would provide a system under which a home rule charter would be an instrument of limitation, for under it the adoption of a charter would automatically make available to a municipality the full sweep of municipal powers which would be possible under the constitution of a state by legislative delegation, except as might be limited by statute or the charter. The pertinent language of the draft is as follows:

A municipal corporation which adopts a home rule charter may exercise any power or perform any function which the legislature has power to devolve upon a non-home rule charter municipal corporation and which is not denied to that municipal corporation by its home rule charter, is not denied to all home rule charter municipal corporations by statute and is within such limitations as may be established by statute.

This, it is believed, draws a clear line between charter and non-charter units, just as effectively as does the McBain theory.

What is most important about the AMA draft is that the provision just quoted not only avoids the "general versus local affairs" business but also is designed to obviate both resort to constitutional specificity and the need to appeal to the legislature for enabling legislation. This is the heart of the proposal. As indicated in the comments supporting the draft, this approach "emphatically reverses the old strict-constructionist presumption against the existence of municipal power and, so long as the legislature does not expressly deny

a particular power, renders unnecessary petitioning the legislature for enabling legislation."

It is not suggested that the AMA draft approach is an original contribution. Substantially the same idea was put forward in the Ohio constitutional convention of 1912 by Delegate Knight, a history professor at Ohio State University.<sup>6</sup> The Texas Supreme Court, moreover, has rather recently, as Dr. John P. Keith has pointed out,<sup>7</sup> so interpreted the Texas constitutional provision on municipal home rule as to come out just about where the AMA proposal has.<sup>8</sup>

#### Legislative Control

THE model, significantly, does not put any substantive home rule powers beyond legislative control. It firmly rejects the assumption that certain governmental powers are in their very nature either general or local and recognizes that "there should be a policy-making power in a state, short of the general electorate, competent to make the decisions as to adaptation and devolution of governmental powers and functions to serve the changing needs of society."

When it comes to governmental structure, administrative organization and procedure and personnel,

<sup>6</sup>Fordham and Asher, "Home Rule Powers in Theory and Practice," 9 *Ohio State Journal* 18, 24 (1948).

<sup>7</sup>John P. Keith, *City and County Home Rule in Texas*, University of Texas, Institute of Public Affairs, 1951, page 86 *et seq.*

<sup>8</sup>*Dallas County Water Control and Improvement District No. 3 v. City of Dallas*, 149 Tex. 362, 233 S.W. 2d 291 (1950); *Forwood v. City of Taylor*, 147 Tex. 161, 214 S.W. 2d 282 (1948).



the draft provides for full autonomy except as to the judicial branch and as to judicial review of local administrative action. With respect to the selection of personnel, there is the one positive requirement that the members of a municipal legislative body be chosen by popular election. No attempt is made to deal specifically with such matters as qualifications for voting and for office-holding. It is contemplated that the home rule sections be read with the separate constitutional provisions relating to these matters.

#### Metropolitan Problems

The fifth aspect of substantive powers has to do with the geographical reach of governmental authority. Perhaps the most important challenge in America today to our capacity for governmental organization and administration comes from the increasingly metropolitan character of American life. The complex problems of metropolitanism are pressing hard upon us and it would be short-sighted, indeed, to formulate a constitutional policy as to municipal home rule which did not take them into account. Within the scope of a metropolitan area there may be a primary city and a number of lesser municipalities. The geographical reach of each of them is far short of the scope of metropolitan governmental problems. Thus, it would appear that, as to metropolitan problems at the least, full and legislatively unalterable municipal autonomy is distinctly undesirable.

While it is not claimed that the draft is adequate in this respect, it certainly was prepared with a recog-

nition of the vital need of flexibility in the metropolitan sphere. Thus, contrary to Texas doctrine,<sup>9</sup> home rule should not necessarily mean that a city is an indestructible, distinct unit of government. Under legislation which makes the incorporation of a small suburban area simple and easy, a doctrine of indestructibility of home rule units is a means of achieving and perpetuating legal insulation from metropolitan problems. The thinking of students of metropolitan government is not necessarily running toward complete governmental integration, but there is widespread recognition that matters which are metropolitan in their reach bespeak some form of governmental arrangement geared to the service area.

The short of all this is that whether we are talking about extraterritoriality, annexation, intergovernmental sale of services, functional consolidation, metropolitan federation or what not, it would be most unfortunate were the system of municipal home rule in the state to stand athwart the path of effective action. With sensitivity to this consideration, the AMA draft leaves the state legislature with power to provide by general law not only for the incorporation of municipalities in the first instance but also for the alteration of boundaries, for merger or consolidation and for dissolution.

WITH respect to charter-making machinery, the draft avoids the business of spelling out charter-making machinery in detail in the

<sup>9</sup>*City of Houston v. City of Magnolia Park*, 115 Tex. 101, 276 S.W. 685 (1925).

constitution. It sets out only those procedural requirements which are considered of great importance and leaves the rest to the legislature. The draft is, nevertheless, essentially self-executing, since it empowers a municipal governing body to articulate the details of procedure in default of action by the legislature.

The draft is distinctive in that it deals expressly with the enactment of private law. This is a phase of home rule which has not generally been adequately considered. Obviously, we do not wish to give our cities the power to enact a distinctive law of contracts, for example. On the other hand, the exercise of municipal powers is very likely to have important bearing upon private interests and relationships. The approach of the draft is to strike a balance by enabling home rule units to enact private law only as an incident to the exercise of some independent municipal power.

Unlike some home rule provisions in existing state constitutions, the draft does not ignore the subject of charter repeal. On the contrary, it expressly makes provision for great freedom of action in local choice be-

tween charter and non-charter government.

#### Finance Problems

Home rule powers are not very meaningful if there be not the means of financing their exercise. There could hardly be any doubt about this; yet it is not believed that home rule municipalities should be beyond legislative control with respect to the raising of revenue and the borrowing of money. Thus, the draft does not provide for complete autonomy in this respect. Its effect would be to give a charter municipality broad fiscal powers except only as might be limited by general statute or by the very home rule charter. This is designed to leave the state legislature in a position to erect safeguards and to coordinate state and local fiscal affairs and policies. This may not be ideal, but it does involve realistic recognition of the meager extent of a small city, for example, as a tax base in a complex economy, and it means that a legislature ill-disposed toward municipal autonomy must bear the political responsibility for enacting legislation which would curtail municipal power.

# Home Rule—Press View

Reporter covering Kansas City League Conference  
can't tell his 'dichotomy' from his 'interstices.'

By KARL PETERSON, JR.

EDITOR'S NOTE.—The story below, headlined "Lofty Level in Debate," appeared in *The Kansas City Star* of November 10, 1954.

**T**HE domes were very high indeed at a panel on home rule at today's final session of the National Conference on Government.

Six college professors and a New Jersey businessman debated the vital problem of state delegation of authority to urban governments. The panel included some of the nation's top experts on the subject, and it was no place for an amateur.

The businessman, Bayard H. Faulkner, chairman of the New Jersey Commission on Municipal Government in 1950, announced somewhat diffidently that he didn't know what he was doing alone amid all those professors.

But his account of the New Jersey optional home rule charter law, drafted by his committee, proved Faulkner to be something of an expert himself.

Jefferson B. Fordham, dean of law at the University of Pennsylvania, followed with comments on his American Municipal Association draft report on the subjects that really left a layman limp.

A listener caught the words "adumbration," "dichotomy," "specificity," "functional consolidation," "interstices" and "ancillary."

From the high-level jousting that

ensued, however, it was clear that Dean Fordham's colleagues understood clearly, and some of them disagreed.

## For State Control

His draft, he explained, opposed the idea of rigid grants of power to municipalities in today's dynamic and changing society. He preferred to place greater reliance in the judgment of the state legislatures and the interpretations of the courts on the things a city may and may not do.

Arthur W. Bromage of the University of Michigan opened by praising Fordham's draft as "a marvel of coherence and integrity," but proceeded to explore "the core of divergence vis a vis" its basic premises.

An ignorant but respectful listener gathered that there was objection to the lack of creation of "an *imperium-imperio*."

It was clear that Professor Bromage favored, instead, the National Municipal League *Model State Constitution* with its more exact grants of authority to municipalities.

So also felt Harvey Walker of Ohio State University, who objected that state legislatures are too often unrepresentative. He felt more confidence in the courts as at least "quasi-professional" groups.

(Continued on page 153)

# News in Review

City, State and Nation

Edited by H. M. Olmsted

## Missouri Examines State Organization

### Legislative Commission Makes Detailed Analysis

ON JANUARY 10, at the start of the tenth year after the adoption of the Missouri constitution of 1945, the results of an intensive re-examination of that state's executive organization were reported to Governor Phil M. Donnelly and the legislature by the State Reorganization Commission.

As established by the legislature in 1953, "for the study of state executive offices, departments and agencies," the commission consists of four senators, four representatives and four appointees of the governor, each group equally divided between the major parties. The final appointments were made on November 9, 1953, and the commission organized nine days later, with Francis Smith, former senator from St. Joseph, as chairman. William R. Nelson, director of the Legislative Research Committee, acted as secretary. The commission engaged Carl A. McCandless, associate professor of political science at Washington University (St. Louis) as staff director, assisted by Henry J. Schmandt, assistant professor of government at St. Louis University, and John W. Schwada, assistant professor of political science at the University of Missouri.

Consultants were Martin L. Faust and Thomas H. Eliot, heads of the departments of political science at the University of Missouri and Washington University, respectively, and Paul Steinbicker, head of the department of government at St. Louis University. After plans were laid for survey work the com-

mission opened an office in Jefferson City on February 1, 1954. It set December 1, 1954, as its deadline for preparing the report required to be presented by January 10, 1955. Thus the surveys were completed in less than a year.

The report is a printed document of 195 pages, and includes 112 specific recommendations, distributed among eighteen departments or functions.

The commission did not find drastic reorganization to be necessary and did not recommend sweeping changes from the structure provided in the 1945 constitution and subsequent legislation. It did, however, suggest more closely knit administration in various departments, some transfers of functions, a large number of minor changes in the interest of economy and efficiency, and the making of several additional studies.

### More Responsibility

In the Department of Business and Administration, established in 1946, it found that the director did not have authority to appoint division chiefs and was not responsible for the execution of any law or for carrying out any program. It recommended that he be given statutory authority to appoint the heads of the five operating divisions and be made directly responsible for the administrative work of the divisions, but not of the five commissions linked with the department.

It was also recommended that the name of the department be changed to Department of Commerce; that the Division of Corporations and Securities be transferred to it from the office of the Secretary of State and the Division of Examination and Registration from the Department of Education. The latter division would be headed by the direc-

tor of the Department of Commerce, *ex officio*, who would also act as or appoint the secretary of each of the fifteen licensing and examining boards and would perform all administrative work for these boards, as to registration, licensing and regulation of the occupations and professions concerned. One member of each board would be from outside the occupation or profession involved.

The Division of Savings and Loan Supervision would be consolidated with the Division of Finance, in the newly named Department of Commerce. The Division of Personnel would be transferred to the Department of Revenue but would retain its present autonomy.

The Department of Labor and Industrial Relations, now headed by the three-member Industrial Commission, would have a director, to be appointed by the governor with Senate confirmation. He would have administrative authority over the Division of Workmen's Compensation, which he would head, and over the Division of Mine and Industrial Inspection (to be formed by combining two existing divisions), the director of which he would appoint. He would not have authority over the Industrial Commission, the Board of Mediation, the Board of Rehabilitation or the Division of Employment Security.

#### **Integrate Health Groups**

In the Department of Public Health the three divisions—Health, Welfare and Mental Diseases—which now operate as practically independent units, would be integrated into a functional department. Their directors would be appointed by the department head instead of by the governor. Thirteen bureaus in the Division of Health would be consolidated into four units.

An administrative management unit would be established as a section within the Division of Budget and Comptroller, Department of Revenue. Its head

would be trained in administrative management and procedures, and the unit would be available to assist state agencies along those lines.

The regular biennial budget submitted by the governor to the legislature would be a comprehensive financial plan for the state. The general form of the budget document now used would be recast so that requests for funds would be shown on a basis of activity programs rather than objects of expenditure. A long-range capital budget would be prepared by the Director of Public Buildings in consultation with the Budget Director and department heads; actual expenditures for each project to be authorized in the regular budget.

It is proposed that a yearly report to the public be presented by the governor, to contain a brief, readable summary of the activities of the executive departments for the last fiscal year and of programs for the current year.

The commission recommended that certain additional studies be authorized, covering the Department of Corrections, educational institutions, the Highway Commissioner's accounting and control systems, special funds (for possible consolidation) and assessment laws and practices in Missouri.

#### **Governors Speak Up for Constitutional Revision**

The movement for new or revised state constitutions has received impetus from statements of several governors in their 1955 inaugural addresses. These include:

Governor Orville L. Freeman, Minnesota: "I particularly urge that an amendment be submitted to the people of Minnesota, calling for a constitutional convention to revise and bring up to date the basic machinery of government in the state."

Governor Paul Patterson, Oregon: "I share the opinion of the majority of the [legislative] committee—that a

constitutional convention should be called, because it is through that means alone that needed reform in the fundamental document will be accomplished."

Governor Lane Dwinell, New Hampshire: "In the referendum conducted last November 2 to take the sense of the voters on the subject of a revision of the constitution a substantial majority favored the calling of a convention. It is the responsibility of this General Court [legislature] to determine the time and mode of electing delegates, to set a date for the convention, and to appropriate funds to pay its expenses. I recommend early consideration of this matter."

### ***Indiana Senate Votes for Home Rule Amendment***

The proposed home rule amendment to the Indiana constitution, which was passed by the legislature for the first time in 1953, was again approved by the State Senate on January 27, 1955, by a vote of 38 to 10, after much controversy. If approved by the House it will be submitted to the people in the 1956 general election.

The amendment would permit any incorporated city or town to draft and adopt a charter; to prescribe its form of government; to specify methods for nomination and election of officers; to set up departments etc.; to provide for the selection, compensation, hours of work and dismissal of all its officers and employees, and terms of office of elected officials; and to administer special districts more than half of the area of which lies in the city or town.

The amendment is vigorously supported by the Indiana Junior Chamber of Commerce and the League of Women Voters. It is opposed by the Indiana Municipal League as making charter changes too easy; by police and firemen groups, which claim that pension rights are endangered; by opponents of the

council-manager plan, which a city could adopt under the amendment; and by some who fear that cities would have freedom as to taxation, although the amendment does not so provide.

### ***Permanent Registration Advances in Louisiana***

Continued progress is reported from Louisiana in respect to permanent registration and signature protection of voters' rights and identification.

The good 1950 law, similar to the National Municipal League's *Model Voter Registration System*, was attacked and made the subject of an amendment submitted to referendum in November 1954. The amendment was vigorously resisted and defeated.

Extension of the new system among the parishes (counties) has continued and is in effect in 28 out of 64, covering more than half the voters of the state. Minor additional improvements are to be pressed. An appointive registrar handles the registrations in each parish but the work by itself does not justify keeping the office open the year round and should be gotten into a general county office which is open all year.

The registrars have moved to get themselves under state civil service, under the modern civil service law of Louisiana, along with their employees, who are already classified. Improvements are needed in the publication of the precinct poll lists.

Latest parish to convert to permanent registration is De Soto, where the plan went into effect as of January 1, 1955.

R.S.C.

### ***New York Voters Don't Know Their Judges***

Judges in New York State are elective and have been so for over a hundred years. After that fairly extensive trial, the leaders of the bar are convinced that the experiment has been highly unsuccessful.



The State Crime Commission, headed by Judge Joseph M. Proskauer, in 1953 demonstrated out of the mouths of district leaders that the judges in New York City were hand-picked by party leaders and that the party judicial conventions, to which the voters elected delegates to choose the party nominees, accepted without question the nominees elected for them by the county and district leaders.

The current Temporary Commission on the Courts, with a distinguished membership headed by Harrison Tweed, was created at the instance of the State Crime Commission to follow up the latter's work in respect to the courts, but it has not approached the question of selection of judges in the two reports on structural modifications thus far issued and the Crime Commission's disclosures have grown cold in the public mind.

#### Survey Made

In 1954 three groups of lawyers, the City Bar Association, the Citizens Committee on the Courts and the Institute of Judicial Administration, employed the Elmo Roper Organization to make a poll to test the awareness of voters as to what they are doing when they vote for judges. The president of the Bar Association, Allen T. Klots, disclosed the results of that poll at a meeting of the State Bar Association in New York City, January 31, 1955.

The Roper poll, following established polling procedures to obtain a fair sample, secured 1,300 answers to questionnaires divided between New York City, Buffalo and Cayuga County, a rural section of the state. The poll was made within ten days following the November 1954 election, at which time the voters were confronted in New York City with as many as twenty vacancies in the numerous courts of the city system. The number of vacancies upstate was much smaller.

The number of answers was reduced to approximately half by excluding those

who had not voted at all. The key questions, buried as usual among some easy and general ones to induce frank answers, were "did you vote for any candidates for judge?" "Had you paid any attention to who was running for judgeships before you went to vote; or had you just paid attention to the candidates for other offices?" (Governor, attorney general and comptroller were elected at that time.) "Had you done anything special to help you decide which judge to vote for; or did you just figure the best thing to do was support your party ticket by voting straight for all its candidates for judgeships?" "Do you remember for which courts you voted for a judge?" (There were four vacancies on the Court of Appeals including the chief justice and several for Supreme Court and other courts.) "What judges do you remember voting for last Tuesday?" The last question embodied the principal purpose of the poll.

Only 3 per cent of New York City voters remembered the name of any candidate for judge for whom they had voted other than Judge Liebowitz of Brooklyn, who had been recently conspicuous in the public eye. A little better than 5 per cent of Buffalo voters recalled any candidate other than one prominent local Polish candidate, Partyka, and only 4 per cent of the Cayuga County voters could name any judicial candidate at all. Out of 55 candidates running in New York City, only ten were named by any voter.

The chief judge of the Court of Appeals, Albert Conway, was endorsed by both major parties, yet only 1 per cent of the voters in New York City and in Cayuga County recalled his name when asked what judges they had voted for a few days before and in Buffalo no one recalled him!

Sixty per cent of those who had voted in New York City, 47 per cent in Buffalo and 75 per cent in Cayuga County ad-

mitted they paid no attention to who was running for judgeships before going to the polls. Eighty per cent in New York City, 89 per cent in Buffalo and 86 per cent in Cayuga County were unable to answer the question as to what courts were represented in the contest. It seemed to make no perceptible difference whether candidates were nominated by both parties or were in a contest.

Judges in New York State merely publish some campaign advertising, usually in the form of posters exhibiting their portraits and a few such words as "upright," "diligent," "humane."

Although this unawareness of voters has long been admitted, this is the first time our modern poll techniques have been utilized to measure it. The size of the sample was considered adequate; experience of pollsters demonstrates that if the inquiry is pushed to larger numbers it does not change the result.

The findings were released to the press but were not mentioned in any newspaper the next day!

R.S.C.

## Council-manager Plan Developments

SPARKS, NEVADA, (1950 population 8,203) voted 650 to 444 on January 18 to adopt the statutory council-manager plan. A week earlier three of the five members of the city council voted approval of the plan.

A town manager charter, prepared by a special town committee, is to be presented in LEXINGTON, MASSACHUSETTS, at the town meeting in March. A public meeting was held in February for discussion of the plan.

The AIKEN, SOUTH CAROLINA, Charter Committee has announced that it plans to recommend to the city council a charter that will include the council-manager plan.

SOUTH HAVEN, MICHIGAN, is to vote

### ***Pennsylvania Governor Urges Home Rule***

Governor George M. Leader of Pennsylvania, in addressing the American Municipal Association in Philadelphia on December 2, 1954, (while governor-elect) stated that the biggest problem facing municipal government is the need for home rule. He said, "We must aid the cities in getting passage of enabling legislation for home rule charters, and then we must stand by it and see that it operates properly."

on a proposed council-manager charter at a special referendum on March 28.

Petitions calling for a vote on a council-manager proposal, probably at the general city election on April 19, have been circulated in SALEM, ILLINOIS.

CAIRO, ILLINOIS, voted against a council-manager proposal, 1,920 to 1,791, on January 18. The city retains the commission plan.

Petitions calling for a vote on the question of adopting the council-manager plan have been circulated in CHAMPAIGN, ILLINOIS, which has had the commission plan since 1917. It is hoped to have the referendum at the general city election on April 19, in case the petitions are filed by March 10. Donald D. Richmond, Champaign attorney who drafted the petition, believes that the mayor and four commissioners elected on April 19 could serve as the council under the manager plan.

The board of directors of the Chamber of Commerce of BELLEVILLE, ILLINOIS, has voted that a committee be formed to study the feasibility of establishing the council-manager form of government in that city. The committee, comprised of representatives of various

local civic organizations, will also study reapportionment of the city's wards and precincts.

In **LOMBARD, ILLINOIS**, at the instigation of a three-member steering committee, a meeting of civic leaders unanimously adopted a recommendation "To work for the adoption of a Lombard village manager plan until it was accepted or rejected at the polls April 19." An eleven-member committee was elected to carry out the project.

About 60 persons interested in the council-manager plan, representing civic groups throughout the city, met in **PRINCETON, ILLINOIS**, to form an organization to promote the council-manager plan.

In **MEMPHIS, TENNESSEE**, a seven-man executive committee has been appointed for the Committee for Council-manager Government for Memphis, to conduct a campaign of information about the plan.

In **OVERLAND, MISSOURI**, a suburb of St. Louis, a movement for the council-manager plan is under way. The mayor has called upon the council to study the idea. The *Overland Record-News* has been publishing a series of articles on the subject.

A council-manager enabling act for **ARKANSAS** is being urged upon the legislature by a group of business and professional men in Fort Smith. It would permit any city of the first class, which includes all cities over 4,000 population, to adopt the manager plan.

**LAWTON, OKLAHOMA**, defeated a council-manager proposal on January 11 by a vote of 3,398 to 2,305.

A campaign is under way in **GRAND PRAIRIE, TEXAS**, for adoption of the council-manager plan.

**WEISER, IDAHO**, has rejected a proposal to adopt the council-manager plan, by a vote of 1,107 to 197.

The International City Managers' Association has presented an analysis of the 220 city manager appointments in

1954. Seventy-three (33 per cent) were managers who were promoted from one city to another and in addition twenty (9 per cent) re-entered the manager profession. Twenty-seven (12 per cent) more appointments were formerly assistant managers or administrative assistants to managers. This accounts for more than half (54 per cent) of all the appointments made during the year. In addition, another 33 per cent were appointed from other public administrative positions, leaving only 8 per cent of the appointments that came from non-governmental positions. The background of the remaining 5 per cent was unknown. The percentage of appointments each year from previous governmental positions has been increasing for years, but 1954 with 87 per cent is an all-time high and compares with 84 per cent in 1953. Graduate training in public administration offered by an increasing number of universities, leading to internships and administrative assistants to city managers, is the main reason for this increasing percentage of appointments coming from public administration backgrounds.

Some 49 per cent of the men entering the profession for the first time, whose ages were known, were under 40 years of age (12 per cent under 29) but two managers were over 65 years of age when appointed. In summary, the trend is definitely toward the appointment of experienced managers, assistants to managers and from other public administrative positions, chiefly city department heads.

### **332 Cities Cross County Boundaries**

According to data from the 1950 United States census, 332 incorporated municipalities lie in more than one county. Ten of these are in three counties each and the city of New York includes five counties. The 332 cities are found in 32 states. Illinois leads the list with

32; Georgia, Ohio, Iowa and Texas each have more than twenty. This aspect of the metropolitan government problem affects small cities as well as large.

### ***Only 21 Connecticut Towns Continue Annual Elections***

By the close of 1954 all but 21 of Connecticut's 169 towns had changed from annual to biennial election of town officials, according to the Institute of Public Service of the University of Connecticut. Twenty years before, 117 towns had annual elections. One or more towns have switched in every year except 1950. In 1954 three made the change.

In addition to the towns six cities and eight boroughs that are not consolidated with towns hold elections biennially for some or all local officials.

### ***84 Cities Have Special Parking Agencies***

A recent survey by the American Municipal Association reveals that at least 84 cities in 25 states and the District of Columbia have established special parking agencies or authorities in the effort to cope with the parking problem. Most of these were set up within the last few years. Michigan, with twelve, has the largest number; California, New Jersey and Pennsylvania each report ten.

### ***Cornell Gives Graduate Awards for Study of Administration***

The School of Business and Public Administration at Cornell University, Ithaca, New York, which will be on a full graduate basis July 1, 1955, has announced a schedule of awards for the 1955-56 college year, for graduate students working toward the degrees of

Master of Public Administration, Master of Business Administration and Doctor of Philosophy, the last mentioned being primarily for candidates interested in teaching and research. The awards include teaching and research assistantships up to \$3,000 and fellowships and scholarships up to \$1,500 and \$1,000, respectively, based on merit and financial need. The school emphasizes the combination of business and public administration in an integrated program.

### ***Political Science Fellowships at Michigan State College***

A graduate fellowship program in political science is now being offered by Michigan State College, at East Lansing, by virtue of a grant of \$71,600 from the Maurice and Laura Falk Foundation of Pittsburgh, Pennsylvania. It will be under the direction of Dr. Edward W. Weidner, head of the Department of Political Science. The program will begin in the fall of 1955 and will continue through 1958. It will offer fellowship aid to a highly selective group of graduate students working toward the Ph.D. degree in the field of politics, with special emphasis on political organization and behavior. Special opportunity will be given to study politics at the national, state and local levels.

Through special travel allowances the participants will attend township caucuses and county, state and national conventions of the major political parties; attend city, county and state legislative sessions; meet with political leaders off campus and engage in field work.

The grant provides for fellowships at \$1,800 each for five Ph.D. students the first year, ten the second year, and fifteen in the 1957-58 academic year.

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**County and Township***Edited by Edward W. Weidner*

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## Two Mayors Urge City-county Mergers

**Louisville, Portland  
Suggest Consolidation**

**T**HE mayor of Louisville has sent up a trial balloon on a proposal to ask the 1956 Kentucky legislature to create a metropolitan government for Louisville and Jefferson County by extending the city's limits to the county's boundaries. The net effect of this proposal would be to eliminate 31 smaller cities around Louisville, to increase the city's area from 54 square miles to 387 square miles and to increase its population from about 400,000 to 539,000.

The mayor has explained that he wants to bring all the people in the metropolitan area together to untangle their common problems. Like past proposals for merger and consolidation of the city and county governments, the plan is designed to eliminate duplication and confusion over governmental responsibility.

Under the mayor's proposal the county would not be abolished but governmental functions and services would be divided between the city and county. The city might provide such services as police and fire protection, sewers and drainage, traffic control and street maintenance. The county would handle such things as courts, tax assessment and collection, welfare and possibly parks and recreation.

One merit of the proposal is that it would make unnecessary any amendment of the Kentucky constitution. Previous proposals on city-county consolidation would have required such an amendment, which is difficult to obtain from the voters.

After adequate public discussion the mayor will decide whether or not to have the necessary bills drafted for submission to the 1956 legislature.

Many city officials and some in suburban communities have voiced approval of the idea. A number of others have suggested that they will withhold opinion pending study of the plan. The legislators from the area have indicated general support of the idea, particularly as various community groups lend their support.

Consolidation of city and county functions has been sought in Louisville for many years. Several joint city-county agencies have been established in the fields of health, planning and zoning, air pollution, airport and others. Recently the city and county received legislative authority to contract with one another for services, making it possible for one or the other to provide certain services for the entire area. The only contract so far signed covers the housing of all city prisoners in the county jail.

### **Portland, Too**

A proposal for merger of the governments of Portland, Oregon, and Multnomah county has been made by Mayor Fred L. Peterson and city commissioners of Portland. The proposal is not new, there having been many suggestions for similar action in the past.

Meantime, the county commissioners intend to make a full study of the proposal before taking any official action. Many reports and studies have been made on the proposed merger by different groups and these are being examined by the county commissioners.

There is considerable support for the move on the part of those who would like to see Portland a major city in the pattern of the large metropolitan areas.

### **Cities, Counties Continue Cooperation**

Joint action by cities and counties continues to be the pattern. In Tennessee, Decatur County has devised a plan for three small cities and the county to attract industry jointly by underwriting construction costs on new industrial plant buildings.

In California, the cities of Fairfield and Suisun have joined with Solano County in a joint planning undertaking.

### **County Considers Area Council Proposal**

**T**HE Prince George's County delegation to the Maryland legislature is considering a proposal for the formation of a metropolitan council to coordinate services and planning in the urban area around Washington, D. C. The proposal was presented to the delegation in a report of the Committee on Regional District Government set up by the 1953 session of the state legislature.

The committee reported that, although it found a "hodge-podge" of municipalities, special improvement districts and unincorporated areas in the metropolitan district, the area was not now ready for the creation of a single large municipality. It did feel that if the suggested council is effective, it might be succeeded by some type of consolidated government.

The council would be given authority to assume any government function upon request of the municipality or area concerned if adequate funds were available and assumption of the function would be advantageous to the metropolitan area. This would mean that the council could, if requested, contract to establish central purchasing, maintenance of equipment, garbage and trash collection, etc.

The proposed council would consist of five members—four appointed by the county commissioners and the fifth being the chairman of the Prince George's Municipal Association.

### **Better Financial Planning Sought by Baltimore Group**

The Baltimore Commission on Governmental Efficiency and Economy has issued a plan for a course of action for better financial planning and control in Baltimore County. In the January 1955 issue of *Your Tax Dollar*, the following steps were recommended:

1. Centralized budgetary and accounting systems firmly established by county law embracing all county agencies and purposes;

2. An independent post-auditing agency firmly established by basic county law, reporting to the county authorities and the public, covering all funds and financial activities of all agencies;

3. A more complete and more comprehensive planning system;

4. Procedures for public improvement programming and capital fund budgeting.

The commission also recommended an over-all economic study and better tools of administration. In particular, it emphasized that improvements are needed in the organizational structure and relationships of county agencies in the fiscal systems, in administrative procedures and in operating methods.

In recent years, county officials have shown an awareness of problems that have been developing and a number of improvements are already under way or are being considered.

### **St. Louis Voters Defeat Transit Plan**

A proposal for a Metropolitan St. Louis Transit District<sup>1</sup> was defeated by the voters of both the city and county of St. Louis at an election held February 25.

<sup>1</sup>For a description of the plan see the REVIEW, January 1955, page 43.



The vote in the city was 19,219 to 16,120 against; that in the county, 10,414 to 8,304. A simple majority of the votes cast in each unit would have been sufficient for adoption.

There was no organized campaign for or against the plan except via the press. The St. Louis *Post-Dispatch* conducted an intensive editorial campaign in favor of the plan while the St. Louis *Globe-Democrat* conducted a somewhat less intensive editorial campaign against it.

### ***Grand Jury Recommends Charter for County***

A grand jury in Stanislaus County, California, has recommended that the county adopt a charter form of government. The jury called for a fair and impartial study of the matter, reporting: "It is our firm belief that a modern county charter would permit more flexibility, more home rule, and in turn should result in greater efficiency and a substantial over-all saving in our county government."

### **HOME RULE — PRESS VIEW**

(Continued from page 143)

Faulkner and Bromage both joined in to relate that the New Jersey and Michigan legislatures were so restricted as to favor rural over urban areas. Bromage referred to the "moiety clause" in Michigan's representation law.

Walker, discussing taxes, commented: "You are all familiar with the pre-emption clause of our Ohio constitution."

It appeared that the other panel members were in fact familiar with the law, leaving a local spectator at a loss. He could take pride, however, in the statement of the panel chairman, Martin L. Faust of the University of Missouri, that Missouri's constitution, as amended through the years, had been in the forefront of the urban home rule movement, with eight cities in the state now holding such charters.

### **Other Speakers**

Other speakers introduced by Faust included Henry J. Schwandt of St. Louis University and Don L. Bowen of the University of Maryland.

Clark F. Norton of DePauw University joined the opposition to Fordham's viewpoint, remarking that the reliance on the good will of the legislature gave no safety to the cities.

In rebuttal, Fordham said he felt his colleagues, in spelling out the cities' powers in detail, were "rigidifying the situation."

Professor Walker lamented that there was not sufficient time to "synthesize the points of view."

Businessman Faulkner, when his turn came again, observed with slight dismay:

"The going here this morning has been a little heavy." To that, even a non-expert could subscribe.

## U.S. School Aid Plan Analyzed

### President's Program Found Disappointing

**P**RESIDENT Eisenhower's recommendations for a federal program of assistance to public schools, anxiously awaited by educators and all those concerned with the mounting pressure for new classrooms, were presented to Congress on February 8. While the general principle of federal aid in this field is sure to arouse a considerable measure of debate, major features of the recommended program cannot fail to be profoundly disappointing to all who had hoped for a serious, thoughtful attempt at solution of the admittedly formidable problems involved.

The president's message proposed four specific avenues of financing, to be achieved over a three-year period and aggregating some \$6,970,000,000. Of this total, \$970,000,000 would represent federal financing and the other \$6,000,000,000 state or state-local financing. The four individual proposals are of such interest that each may be briefly summarized:

*First*, that the Congress appropriate \$750,000,000, to be used by the federal government "cooperating with the states" to purchase school bonds issued by local communities "which are handicapped in selling bonds at a reasonable interest rate." According to *The New York Times*, White House reporters were advised that a "reasonable" interest rate might be defined as one not in excess of 3½ per cent.

*Second*, that the states severally provide for new school construction "without local borrowing by the school dis-

trict" through the creation of "special statewide school building agencies," which would issue agency bonds to construct school buildings to be leased to the individual districts under lease-purchase contracts, the annual rentals to be used to pay interest and redeem the agency bonds. The federal government would "share with the states in establishing and maintaining for state school building agencies an initial reserve fund equal to one year's payment on principal and interest," the amount of such federal participation in dollars not being specified in the message.

#### Grants-in-aid

*Third*, that Congress authorize appropriation of \$200,000,000 for a system of grants-in-aid for school construction to meet part of the building costs of districts where (a) the district, if it has not reached its legal debt limit, cannot sell its bonds to the federal government under *first* above because "it cannot pay interest and principal charges on the total construction costs" or (b) the district, if it has reached its legal bonding limit, is unable to pay the rent needed to obtain a school from a state agency on a lease-purchase basis, as under *second* above.

*Fourth*, that Congress authorize the appropriation of \$20,000,000, including \$5,000,000 the first year, to meet half of the administrative costs of state programs "which are designed to overcome obstacles to local financing or to provide additional state aid to local school districts."

The first and fourth recommendations evidently fall fairly in the category of proposals whose acceptability depends in large measure on the manner in which they are implemented in practice. As a practical matter, a federal revolving fund to take district bonds not otherwise marketable at a "reasonable" inter-

est rate will add nothing to the present construction potential of the nation's school system. Few school bonds are being sold today which would qualify at an upset rate of  $3\frac{3}{8}$  per cent interest (whether this rate, indicated to reporters, is the coupon rate on the bonds or the effective interest rate taking account of premiums and discounts, if any, was not stated). For such districts as might qualify, the only benefit would be in a lower borrowing cost, a factor not generally controlling in the financing of such improvements as school buildings. Similarly, the \$20,000,000 for administrative expense for studies of school financing, etc., would not immediately swell the construction potential, although to the extent that the studies proved fruitful of constructive programs they might in time provide for construction not otherwise feasible.

How educators and laymen alike will react to the \$200,000,000 proposed for matching grants will depend in part on the specific legislation proposed to implement the program and the individual's attitude toward the broad question of federal aid for education. More fundamentally, however, this proposal is so intimately dependent on the second proposal, for lease-purchase financing of new buildings, that it must stand or fall on the merits of the other recommendation.

#### Lease-purchase Condemned

The heart of the president's program is the proposal for creation of special state agencies to issue school building bonds secured by lease-purchase agreements with the district occupying the building.

Lease-purchase proposals have gained some currency in recent years, particularly as devices whereby constitutional or statutory debt limits might be evaded or the necessity of submitting dubious proposals to the voters avoided. They have also been used in a limited num-



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ber of situations where because of tax rate limits or other limitations on the local revenue systems it seemed expedient to pledge resources in bits and pieces rather than accomplish the objective directly after securing the necessary changes in the statutes. Lease arrangements have also been used, and perhaps more legitimately, in connection with the financing of potentially self-supporting improvements, such as warehouses, grain elevators, wharves, etc., but in such instances the local government unit has been the lessor, issuing the bonds and retiring them from rentals paid by the shippers etc. using the public facility.

In only two states, so far as this writer knows, have school buildings been financed on lease arrangements similar to those proposed by the president in his message. Pennsylvania, which has made extensive use of the authority device, has a number of local school authorities which issue so-called revenue bonds payable from rentals paid by the district using the building. These authorities, which comprise one or more school dis-

tricts, are local agencies, however, not statewide agencies such as the president evidently had in mind. The authority bonds are, however, repaid from rental payments, the districts deriving the money from their general revenues, including property taxes and state aid, the state aid item including some allocations specifically granted for meeting a part of the rental payment.

The other example, and one more directly paralleling the scheme proposed to Congress, is in Georgia. There, a state school building authority, so-called, was created in 1951 to issue its bonds to construct school buildings for the local school districts. The bonds are repaid from rentals paid by the districts, from moneys furnished by the state for capital outlays under its school foundation program. In the event the school grants for capital outlays do not suffice, any other state aid received by the district must be used, and if there is still a deficiency it must be raised by district property taxes. The expectation is, of course, that the state grants for capital outlays will cover the rentals in all cases, and to the extent that this expectation is realized the state is merely retiring the bonds from state funds, after routing them circuitously through various state, district and authority accounts.

Bonds of this limited obligation type necessarily can be issued only at interest costs higher than would be the case if direct, general obligation bonds were used, and they involve additionally the expense of creating and maintaining the special agencies through which the transactions are handled. Some critics regard the device, in fact, as having only two measurable attractions: the use of such obligations permits erection of buildings without facing up to and constructively resolving archaic, obsolete or inequitable existing legislation, and it also provides, for investors more interested in yield than in security, a supply of tax-free bonds

returning more income than would otherwise be available. In every instance, formidable evidence suggests that borrowing costs could have been reduced and problems of financial administration simplified by the issuance of direct obligations, with whatever state subsidy was needed or desired provided by direct state grants.

## Clay Committee Submits Huge Highway Program

THE report of the special highway advisory committee to the president, headed by General Lucius D. Clay, was presented in January. It outlines a proposed \$101,000,000,000 of federal, state and local expenditures for highways over the next ten years. Such a program, if adopted, would represent a four-fold increase over actual expenditures in the preceding decade and would call for expenditures at an average annual rate approximately triple the rate in 1954, which exceeded all previous years in dollar volume. It would, however, equip the nation by the end of 1964 with a highway system deemed adequate to care for traffic requirements anticipated for that year and to provide the base for later construction to keep pace with requirements by 1974.

The \$101,000,000,000, it may be noted, is not all for new projects. Actually, some \$47,000,000,000 is represented by projects previously planned by federal, state and local governments for the period. The additional \$54,000,000,000 would catch up on deferred construction, permit the rehabilitation of worn out or obsolete roads and provide for additional new construction to meet present and pending requirements.

Of the new work added by the proposals, some \$27,000,000,000 would be for the so-called interstate highway system, the national system of interstate high-

ways provided for by Congress in 1944 to a total of 40,000 miles, of which 37,600 miles have already been designated but only about 2,000 miles completed to specifications. The remainder of the new work would be for other improvements to highways eligible to receive federal aid under existing programs and for improvements to highways financed entirely at the state and local level. All together, \$64,000,000,000 would be spent on so-called rural roads, including the interstate system, and \$37,000,000,000 for urban streets and roads.

#### Financial Responsibility

In terms of financial responsibility, \$31,230,000,000 of the proposed program would be financed by the federal government and \$69,770,000,000 by the state and local governments. The proposed federal expenditure is at an average annual rate about three times the actual rate in recent years, while the state-local rate would be more than double the rate in 1954, which was an all-time peak for highway construction.

Most of the proposed federal share would be for the interstate highway system. Improvements for this phase of the project are estimated to cost \$27,000,000,000, of which the federal government would provide \$25,000,000,000 and the states and local units the other \$2,000,000,000. Of the \$74,000,000,000 estimated for the remainder of the program, the federal share would be \$6,230,000,000 and the state-local share \$67,770,000,000.

To finance the federal share, reliance is placed in part on current use of existing highway revenues and in part on the capitalization of such revenues by borrowing. Presently, the federal government is using about \$1,100,000,000 annually for highway aids, representing the receipts from the two cents per gallon gasoline tax and from certain lubricating oil taxes. It is proposed to con-

tinue the appropriation of these revenues, using about \$623,000,000 per year to continue the present system of federal highway aid on a matching basis (with some modification to provide more generous grants for certain types of highways) and to use the remainder of the amount available annually for additional improvements to the interstate highway system and to service government highway bonds. The combination of such uses of the excess over \$623,000,000 annually is estimated to provide \$25,000,000,000 during the decade to meet the federal share of the interstate system.

If the committee's recommendations are adopted by Congress, the federal highway bonds would be made special obligations, to place them outside the federal debt limit. They would be issued by a proposed Federal Highway Corporation and serviced from special appropriations made annually by Congress from the gasoline tax and lubricating oil taxes. Whether the president, in his anticipated message to Congress on the highway program, will actually recommend such financing, still remains to be seen. As in the case of the proposed school borrowing program, the proposal for highways of the use of indirect, special obligations is to be deplored. Neither fiscal weakness nor lack of constitutional authority to enact a forthright program conforming to accepted standards exist as an excuse for such a device.

#### State, Local Costs

While the committee was quite specific in indicating how federal responsibility for financing its proposed program was to be met, no such clarity is evident as to how the states and local units will secure the funds to meet their share. This share, it will be recalled, comprises \$2,000,000,000 for improvements to the federal highway system and \$67,770,000,000 for other improvements, a total of \$69,770,000,000.

To meet their share, the states and local units evidently will depend on existing revenues, supplemented with whatever new moneys they can raise through rate increases or imposition of new charges. The committee does, however, offer an opportunity for some increment to highway department income as such, through a suggested reimbursement for roads already constructed, provided such reimbursements are used for other phases of the program. As to free roads, a state must have previously matched all other federal funds for highway purposes to be eligible for the reimbursement. No reimbursement would be made for federal money which was expended on the reimbursable projects.

The reimbursement feature as it relates to toll roads evidently would provide a more profitable avenue for securing additional state revenues in instances where such roads have been built. The conditions applying to reimbursement for free roads would apply, with the additional requirement that future tolls in excess of financing requirements be used for road construction. The opportunities for such reimbursements for toll roads (provided legal obstacles as to the future application of tolls can be surmounted in individual situations) would appear to be substantial. There are already 988 miles of toll roads in operation, estimated to cost \$1,100,000,000 and paralleling or coinciding with the interstate system. Another, 1,247 miles, costing \$1,900,000,000, are under construction or financed in whole or in part, coinciding with the interstate system. In addition, there are 3,854 miles and an estimated construction item of \$4,300,000,000 for proposed projects in states where special toll road agencies have already been established, and another

3,500 miles and \$2,600,000,000 of costs for still rather nebulous proposals in states which have not yet authorized toll road agencies nor approved projects.

All these toll roads, if built, would represent a state or state-agency investment of some \$9,932,000,000, covering some 9,737 miles of the national interstate system. If the states were reimbursed for their entire cost, such reimbursement would evidently cover a much larger mileage, since typically the toll roads involve outlays much in excess of that for free roads, the difference being represented by the differences in land values and highway size due to the generally greater densities of population and real estate development in the territory traversed by the toll roads.

Reimbursement, it may be noted, would evidently be of value only to such individual states as might qualify to receive it, since it would not increase the total amount of federal participation in the national system of highways.

#### HOME RULE — NML MODEL

(Continued from page 136)

states, rests upon a wiser and broader sweep of judicial interpretation. This is the inevitable consequence of an *imperium in imperio*. No constitutional language can finally settle all the controversies which may arise between the power of the state in matters of statewide interest and the authority of local self-government. Yet, in my judgment, the principles of the *Model State Constitution* are the most practical in the light of legislative and judicial history in this area of continual conflict.



## Student Councils Tool of Democracy

### 5,000 Ready-made Groups a Citizen Training Ground

SERIOUS readers of the dailies in one American city must have jumped out of their skins one mid-winter day several years ago as they read about high school boys in their city driving from the sidewalks in front of a public high school citizens who were engaged in passing out political literature—literature that was apparently offensive to the boys. Worse was the reaction of the head of the school, who said, in effect, "I don't blame the boys. They did what any red-blooded American boy would do in these days."

A redeeming feature of this sordid story of misguided patriotism was the prompt editorial rebuke by one of the city's papers, in which the editor expressed his fears regarding citizenship training in the schools of his city.

Current and recent revelations in the field of youth and education only make the impression more vivid—the basketball scandals, cheating at West Point (and certainly at many other institutions), youthful gambling at notorious night spots, and the report from Fairleigh Dickinson College in New Jersey, in which high school youths expressed their belief in the innocence of cheating and stealing in today's world.

These incidents make good ammunition for those who are ready to point an accusing finger at our schools for their seeming inability to educate for citizenship.

In addition, pressing down upon the schools is the threat of increased pre-empting of youthful days by the mili-

tary, who are not, in the sense that educators understand it, civic-education-minded. Public relations by the armed forces notwithstanding, citizenship training of our young men who enter the services is not a prime objective of the program. Educators are faced with the fact that, if we are to turn out young people who have assimilated to a high degree those virtues of Americanism that have made our country great, the schools must take on more and more of the task. More than that, they will have to accelerate their citizenship training, so that we can turn out young men and young women of seventeen and eighteen who will have the citizenship know-how of much older citizens. It is obvious that, if you take a year or more of civilian life from many young men, that much time is either lost forever or somewhere along the line it must be made up.

### Schools Responsible

The arrow of responsibility points directly at the schools, for while the entire community must take this challenge seriously, the schools, which are reaching the great majority of youth in their formative years, must carry the load.

Every citizen is in some relationship to a public school, whether as a taxpayer, a patron or an employee in some capacity. All are faced with the decision as to what we expect of the schools in citizenship training.

Some are willing to let the flag or the pledge of allegiance or the participation of the school band in patriotic events stand for a citizenship program. Many others, a growing group, are demanding that the schools give full devotion to a fourth "R"—the "R" of "Responsibility" as good citizens now.

For those community and school leaders who want the best in citizenship

### **NBC Radio Series Resumes April 2**

Because of widespread interest in the National Municipal League's first "Citizens at Work" radio series over NBC last year, the series dramatizing citizen action to improve local government will be continued this spring.

The new series begins Saturday, April 2, from 7:30 to 8:30 P.M. EST, and continues weekly thereafter. Although it will originate from New York at that hour, stations throughout the country are free to use recordings of the programs whenever they please. The series is under the joint auspices of the League and the National Broadcasting Company.

Not only will it be heard over the entire NBC network but approximately 200 educational, non-commercial and independent stations will also carry it later.

Eight cities so far are scheduled to participate. They are Modesto, California; Newark, New Jersey; and Pueblo, Colorado—winners of 1954 All-America Cities Awards; Fort Wayne, Indiana; Parsippany-Troy Hills, New Jersey; Pendleton, Oregon—1954 All-America runners-up; Owensboro, Kentucky, and Phoenix, Arizona—Award winners in previous years.

It is expected that several other cities will be added.

As was the case last year, the programs will be under the direction of Wade Arnold, executive producer at NBC.

The first "Citizens at Work" series was considered a tremendous success. Not only was it heard over several hundred network and other stations, but recordings were used at meetings of chambers of commerce, taxpayers' groups, civic associations and in classrooms on the high school and college level. The League is still receiving orders for recordings.

programs there is plenty of help these days. Just the publication by the American Association of School Administrators of its annual volume, in 1954 titled *Educating for Citizenship*, will spur many school men to greater effort in the field. And over the length and breadth of our country are scores of successful citizenship experiments offering the results of their researches and experiences.

In New England it is the Civic Education Foundation at Tufts College, publishing sparkling citizenship pamphlets that are making a contribution in schools all over the country. New York submits the excellent program of Teachers College, Columbia University, called the Citizenship Education Project, and touching intimately the lives of thousands of teachers and their boys and girls in hundreds of high schools.

At Syracuse University is found a

long-term citizenship project which is doing yeoman work in that area. Kansas State College is doing a similar job. The Detroit Citizenship Study is well known wherever educators gather. Colleges, schools and foundations are spending money and devoting time to the serious work. Municipalities like Kansas City and Seattle are just two of the many cities and towns which have embarked upon real programs.

Relatively unpublicized as a citizenship builder, but still a steadily growing, sturdy movement in education, is the student council movement. More than 5,000 high schools claim membership in the National Association of Student Councils. Many other schools carry on similar programs by means of student participation without formal affiliation with the association.

The fact that thousands of schools already have the machinery for solid citi-

zenship training is an amazing ingredient in present-day public education, and one which can contribute more results in shorter time than any newer project as yet untried, or even as yet unheard of, in these communities.

We speak, then, for the student participation movement as the tool for citizenship education most often found in the average high school today. Some of these councils are dormant, some vibrantly alive. Some are narrow and circumscribed, some free to learn and grow. Some are dominated by despotic or uninformed school heads, some are given a big share of responsibility in the school citizenship program. Most of them have gotten past the old idea that student councils were designed to pick up scrap paper in the school yard or to help the teacher patrol the corridors. Councils have blossomed and faded, but through it all the seed has produced the harvest that makes thoughtful citizens believe in student participation as one of the vital influences affecting the thinking and conduct of our boys and girls.

#### Council Activities

The work of these councils is adequately presented in the publications of the National Association, which is an arm of the National Association of Secondary School Principals in Washington, D. C. One of its functions is to keep member councils alive to their responsibilities through the publication of successful citizenship activities of their groups throughout the country.

These citizenship projects range from planning all-community Hallowe'en programs to taking of the official school census for pay, the money received turned over immediately to the school for its extra-curricular program. In between lie a multitude of citizenship activities, affecting both schools and communities, that can hardly fail to impress any citizen who wonders what the boys

and girls are doing in their spare time at school. Here a council does the leg work for a "get out the vote" campaign; there a council petitions the city government for action to get traffic lights at a railroad crossing near the school; here a council cooperates in a study of juvenile delinquency; there it produces a gigantic and successful United Nations project. Add to these the many projects and interests of other high school organizations, influenced by council activities, and you have an astounding record of participation by youngsters in matters that only a few short years ago were considered to be strictly adult affairs.

#### Aid to the Community

What this means to communities large and small is something that can be learned only when the men and women most concerned begin to tap the energies and idealism of the high school youth. There should follow surprising action on the citizenship front, both in schools and in the communities.

Where is the League of Women Voters who could not use boys and girls to do the leg work in its nonpartisan activities? Or the chamber of commerce that could afford to turn away the devotion to civic betterment possessed by adolescent boys and girls? Or the church council, community chest or charter improvement league, intent on a program of community betterment, who would deliberately reject the civic aspirations of boys and girls who, having been trained in the social studies in school, want only a chance to put their learnings to the test?

Let this be a first step, then, in the quest for youthful citizenship of the highest order, a quest which should result in better adult citizenship in the future. Utilize that nail which is already driven into the structure of school citizenship, that nail in a sure place, the student participation movement. This can be a beginning which may recon-

struct the attitudes and practices of the schools as well as give new life and spirit to the community.

Heads may have to fall, though, before such an ideal arrangement can be reached. A few die-hards still hold sway over the destinies of schools. A few still view the boys and girls as "future" citizens, and not active American citizens every day of their school lives. A few people not yet able to understand the meaning of democracy will hold back, claiming that such civic activities, even within the walls of the school, not only take up valuable time, but breed insubordination and disrespect for their elders.

But there will always be more who see the light. These men and women will look favorably upon the harnessing of the energies of high school youth, upon the utilization of the school council, and upon the turning of day-by-day instruction in history and government into something more real than their grandfathers imagined in their most thrilling dreams.

JAIRUS J. DEISENBOTH

Rio Grande College  
Rio Grande, Ohio

## Citizens for Hoover Report Map Campaign

THE Citizens Committee for the Hoover Report recently released a film strip entitled "Your Stake in Better Government." Produced as an introduction to the forthcoming *Report of the New Hoover Commission*, the 39-frame strip is in full color and has a twelve-minute narration. The film is an integral part of the Citizens Committee program to stimulate public support of New Hoover Commission recommendations for increased efficiency and economy in federal government.

In explaining use of the film strip, Clarence Francis, chairman of the Citi-

zens Committee, said: "The New Hoover Commission is concerned with policy as well as with management issues. This makes citizen support all the more important because those interests which oppose the recommendations will be extremely active. We expect this film strip to be very useful in reminding individual citizens of their responsibility in effecting better government at a better price. They should also receive encouragement from the film strip's review of the success of citizen action in implementing the First Hoover Report. Our score that time was adoption of three out of four of the commission's recommendations. We hope to do at least as well this time."

The committee is preparing for a strenuous fight with entrenched bureaucracy and pressure groups determined to maintain the status quo which works in their favor. Aroused public opinion in support of constructive recommendations of the New Hoover Commission will be the "weapon" with which the Citizens Committee's battle for government efficiency and economy will be fought.

Information on the progress of the New Hoover Report, and suggestions for citizen action, are available from the offices of the Citizens Committee for the Hoover Report, 441 Lexington Avenue, New York 17, and 777 Fourteenth St., N. W., Washington 5, D. C.

EUGENE F. TRUMBLE

*Director of Operations*

Citizens Committee  
for the Hoover Report

## Studies Tax Trends

A study of Lake County (Illinois) tax rate trends from 1946 to 1953 has been made by the Lake County Civic League of Waukegan. The 24-page report issued by the league covers 22 of the county's cities and villages. The study shows a steady increase in the tax rate, a major portion of the increase for schools.

## Citizens Spark County Plan Unit

### New Board Among First Created in New York

THE Schenectady County Board of Supervisors has recently created a county planning board. This puts Schenectady in the ranks of the relatively few New York counties that have taken this significant step toward improved government.

Creation of the planning agency was the culmination of an intensive citizen campaign of education on city-county problems. The "kick off" of the campaign took place in May 1954, at a statewide conference on county government sponsored jointly by the Government Department of Union College and the Schenectady Bureau of Municipal Research. One session of this two-day conference was on county planning, at which the numerous county officials present had an opportunity to discuss planning with some of the top authorities in this field. Representatives of many citizen groups also took part in the session and carried back to their organizations a clearer picture of the methods and merits of county planning.

The discussion cleared away many misconceptions regarding the scope, nature and responsibilities of a county planning body established under New York State law. For example, several local government leaders were concerned over the belief that a planning agency might lessen the authority and responsibility of the board of supervisors. Fear of this situation was dispelled by spokesmen from other counties, which have had planning boards for a number of years, who described how county planning works in actual practice.

Partially as a result of the interest generated by this conference, several local groups began to take a closer look at county government in an effort to define problems and suggest solutions. The City and County Affairs Committee of the Schenectady Chamber of Commerce, headed by a prominent local realtor, made a comprehensive study of the organization and functions of county government and pointed out in detail several problems which could best be solved by a county planning unit. A group of local citizens who had long been interested in establishing a county park system, recognizing the need for factual information on available sites, financial data and so forth, found that this problem could best be handled by an official planning body. A group of outstanding professional men, including bankers, lawyers, doctors and merchants, representing both city and towns, undertook a survey of local government for the purpose of determining what changes in function and structure were necessary in order to cope with rapid suburban growth. County planning was a primary subject in this survey.

The growing interest in county planning was not only the concern of private citizens. County officials also felt the need for some central agency to initiate studies and act as a clearing house for the plans of the city and towns. The county supervising engineer strongly endorsed establishment of a planning board, believing that many of the problems of sewage disposal, drainage, highway construction, land use and water supply should be studied from the standpoint of the county as a whole. The first official action came when the board of supervisors appointed a committee to explore the possibility of creating some type of county or regional planning agency.

The Schenectady Bureau of Municipal

Research brought together the findings of most of these groups and issued a summary report which suggested methods of organizing, staffing and financing the planning unit as well as outlining the agency's place in the existing pattern of local government. Shortly after the report was published, the Schenectady County Planning Board was established. It can fairly be said that this was the end result of many groups, non-official and official, working together toward strengthening and improving local government, with cooperation between alert and interested citizens on the one hand and intelligent and conscientious public officials on the other.

ARTHUR C. GLOVER

Schenectady Bureau of  
Municipal Research

## Non-voting Analyzed in Flint

THE Civic Research Council of Flint, Michigan, has prepared a bulletin which analyzes the precinct vote for city commission candidates with special reference to the total vote cast in precincts using voting machines.

The results of this study are startling and seem to indicate that a good deal more research might profitably be done in this area. For example, in November 1954, in the city's 128 precincts, 58,543 persons voted for governor but only 52,500 took the trouble to indicate choices for city commission. The "lost" vote was about 10 per cent, not unexpected in itself.

But further analysis reveals that in the 25 precincts using voting machines, the "lost" vote was up to 28.6 per cent on the average, running as high as 40.7 per cent in two precincts. The average number of lost votes in precincts using paper ballots was 17 while the average number of failures to pull a city commis-

sion lever in machine-using precincts was 171 with a high of 1,194 lost votes in a single ward.

The bulletin states: "It appears highly possible that the discrepancies in voting machine precincts were caused by the location of the city commission candidate levers at the extreme right of the rows of partisan candidates. This might have left the elector under the impression that, having voted a straight partisan ticket, he had also selected a commissioner."

The implications for the possible separation of municipal and national elections will be noted as well as the necessity of safeguarding against improper or awkward placement of nonpartisan names on voting machine panels where national, state and city candidates stand for election on the same day.

## Local Government Research Examined

Professor Allan R. Richards, of the University of New Mexico, examines the state of local government research in general in a recent article, "Local Government Research: A Partial Evaluation." The piece, appearing in the Autumn 1954 *Public Administration Review*, offers a number of challenges to those who perform this kind of work.

Richards comments on the tremendous variety of reports and writings which are lumped together as "research" in state and local government and suggests that a large number of service research reports suggest solutions that purport to be scientific but are probably intuitive. So, he says, until some of the more fundamental research is accomplished, there is simply a lot of guesswork going on.

He is willing to suggest several criteria which should govern evaluation of research: (1) How are the facts collected so we may judge whether we can accept as fact what is stated as fact?



(2) What are the value judgments which underlie the conclusions? (3) Does the research carefully separate fact from value? (4) Does the research really get at all available data? (5) Is the research developed within a systematic, conceptual framework?

The author says, "Deficiencies in local government research result largely from a failure to be concerned sufficiently about relationships—relationships between legal norms and government practice, between forms of government and voter participation, between units of government, between community structure and government policy, between the strength and practices of political parties and governmental organizations, between community growth and changes in governmental policy, between many other governmental and social phenomena."

### **Michigan Bureau Appoints New Head**

Appointment of Dr. LeRoy C. Ferguson as professor and head of the Governmental Research Bureau at Michigan State College has been announced by Dr. Edward W. Weidner, head of the department of political science.

Dr. Ferguson took charge of the bureau on February 1, succeeding Dr. Weidner who has headed it since its formation in 1951. Dr. Weidner said the change is made necessary because of the press of other activities of the political science department, including a large technical assistance program with Viet Nam.

A unit within the political science department, the Government Research Bureau provides research facilities for social scientists on the Michigan State College staff and research training opportunities to qualified students working toward advanced degrees.

The bureau has been active in four areas of research: community political analysis,

political communication, legislative analysis and political participation.

Recent bureau publications have included *Pay the Piper*, a study of Michigan taxes; *Plain Talk About United Nations Goals, Communism—Challenge to Americans, Michigan and Foreign Trade and Politics in the Press*, a study of the 1952 senatorial campaigns in Wisconsin and Connecticut.

Under Dr. Weidner's direction the bureau has also conducted a classified project for the U. S. Department of Defense, and members of the bureau staff have served as consultants on problems in the Far East.

Two other members of the political science department serve as officers of the bureau. Dr. George M. Belknap is associate director, Dr. Wesley R. Fishel is assistant director.

### **Portland City Club Active in Research**

The City Club of Portland, Oregon, has just published a comprehensive report on *Annexation Policies for the City of Portland*. It notes the existence of the Portland metropolitan community with all the problems of fringe areas, urban standards of facilities and services, incorporations and annexations. It urges that Portland abandon its passive attitude toward problems of annexation and that studies be made and basic policies adopted to guide future growth.

The publication of the report marks the beginning of a series of published reports on research studies which have been under way for some time. To follow are studies on the Oregon corrupt practices act, the fluoridation of the public water supply, garbage disposal, air pollution control, teacher tenure and mass transportation. Francis A. Staten, first vice president in charge of research, has announced that the Research Board is currently forming further studies for committee activity.

### **Louisiana Research Inventory**

A short but useful compendium of research on Louisiana government has been issued by the Institute of Public Administration at Louisiana State University under the direction of Professor Kimbrough Owen. The purpose of the bulletin is to make available a complete report of research activities and publications since 1948.

There are four agencies in Louisiana engaged in research on governmental problems. The oldest is the New Orleans Bureau of Governmental Research, founded as a private citizen agency in 1933. The LSU Bureau of Government Research was organized as part of the Department of Government in 1936; it was renamed the Institute of Public Administration in 1952. The Public Affairs Research Council was organized as a statewide citizen-supported research agency in 1950 and the Louisiana Legislative Council was created in 1952 as the official research and bill-drafting agency of the legislature.

### **Report from the Philippines**

The Fifth Semi-annual Report of the Institute of Public Administration, University of the Philippines, has just been issued by Dr. Daniel S. McHargue, liaison officer, who is on leave from his post at the University of Michigan and assisting the United States overseas mission in that country. The reestablishment of the research and training programs for governmental officials in the Philippines has been aided largely by the University of Michigan and the latest report indicates some excellent progress to date.

The program under way is a many-sided one and seems bound to have a profound effect on the future of both national and local government in the Philippines

and Southeast Asia. It is concerned with governmental research, in-service training, academic training and library service. It makes use of a technical staff from the United States and some short-term consultants. The Filipino staff will replace these as matters progress.

An important series of conferences and seminars has been held including an Executive Development Conference, a Records Management Conference, and a Budget Seminar. In addition to many Filipinos, students are in training from Burma, Formosa, Indonesia and Thailand. A number of publications have been made available including *Philippine Public Fiscal Administration* by Odell Waldby, *An Annotated Philippine Legal Bibliography* by Pacis-Nebrija and Tendero, and *A Selected Bibliography on Studies in Government Reorganization*, by Ajit Singh Rye.

### **New GRA Finance Plan**

At the recent annual meeting of the Governmental Research Association, a new financial plan was unanimously adopted for 1955. As now set up, the financing of the GRA in 1955 is based on dues by individuals of \$25 for agency directors and \$10 for staff members. If a citizen-supported governmental research agency wishes to underwrite the work of the association, a formula is provided by which it can determine its fair subscription. The formula is based on a rate of \$25 a year per professional staff member but not in excess of  $\frac{1}{4}$  of 1 per cent of the agency's operating income.

In essence this arrangement maintains individual dues at present levels, but introduces a specific formula for supplementary agency subscriptions. The plan is expected to meet the GRA's revenue needs adequately and put the association on a permanent self-sustaining basis.

## Books in Review

AMERICAN DEMAGOGUES—TWENTIETH CENTURY. By Reinhard H. Luthin. Boston, The Beacon Press, 1954. xv, 368 pp. \$5.00.

Do you find yourself wondering about the continuing recurrence in American political life of demagogues who exploit the prejudices, foibles, discontents and emotions of the voters? Reinhard Luthin's new book about ten of the most celebrated (?) "masters of the masses" in America will delight and inform you at the same time. For here in one volume are the stories of Huey Long, Joseph McCarthy, Theodore "The Man" Bilbo, Vito Marcantonio, Alfalfa Bill Murray, James Curley, Pa and Ma Ferguson, Eugene Talmadge, Big Bill Thompson and Frank (I am the Law) Hague. It is the sad tale of basically ignorant men who possessed a shrewd sense of political campaign strategy and who knowingly used "opportunism" to advance their personal desires.

Excited voters have difficulty in distinguishing real from false issues. The clever appeal of the demagogue serves as a reflection of their hates and hopes. The author tells an engrossing story of the lives and public careers of ten rabble-rousers he has chosen to characterize. And from his analysis he concludes that more constructive attempts to ameliorate social and economic conditions which gave rise to disaffection and prejudice among the restless classes which turned to demagogues would have lessened the demagogues' successes.

The author notes that few demagogues in American political life have been national figures, but rather that they have usually been colorful local or state political figures. Basically, he says, the demagogue is anti-intellectual, fears education, oversimplifies issues, encourages passion in place of reason and abuses the ideal of democracy. Formerly, the

demagogue's mischief was as local and confined as his geography, but recent events by self-appointed Communist fighters may make many, including the author, wonder if an ever greater public alertness against demagoguery is not now in order. This book is a real contribution to informed study of their baleful methods.

WILLIAM F. LARSEN

HOW TO JUDGE A SCHOOL. A Handbook for Puzzled Parents and Tired Taxpayers. By William F. Russell. New York, Harper & Brothers, 1954. ix, 143 pp. \$2.50.

The title of this book is rather misleading for it suggests a practical guide to be used in conducting a school survey. A look at the table of contents will dispel any such illusions. Chapters such as On Making Judgments, The Meaning of Liberty, and Can All the Aims Be Achieved at Once, give a much better idea of the nature of the small, thoughtful book which the president of Teachers College, Columbia University, has written.

After discussing the basic ideals in American life, Dr. Russell moves on to the field of education proper and considers the methods by which these ideals may be attained. The author takes just pride in the steady advances in the science of teaching but is intensely aware of widespread ignorance as to the aims and methods of education. He urges his readers to counteract this by consulting outstanding sources such as the *Encyclopedia of Educational Research*, for "there is no reason why a parent, a taxpayer or critic of education should bow down before the educational scientist or researcher. After he has read the literature of the subject . . . there is no reason why he cannot approach the Board of Education or the teachers with questions as to the basic premises on which the textbooks and teaching methods are based."

Dr. Russell believes that parents should leave the technical aspects of education, as learning to read and write, up to the schools. On the other hand, an area such as citizenship must be joint concern of school, home and community. He emphasizes the importance of providing within the regular school curriculum active experience with American ideals. He refers to the work done along these lines by the Citizenship Education Project of Columbia University and he encourages student participation in community activities.

BRUNA NORSA

**TAXATION AND BUSINESS CONCENTRATION.** (A Symposium Conducted by the Tax Institute, June 15-16, 1950.) Princeton (New Jersey), Tax Institute, 1953, 264 pp. \$5.00.

With Congressional attention again centering on investigations of monopoly in business and the stock market, and a more active debate on tariff policy than we have seen for many years, the twenty papers comprising this symposium assume a timeliness not so clearly evident when they were delivered. In the interval, the excess profits tax has passed from the scene and the dividend credit device introduced to provide some partial relief from double taxation of corporate income; otherwise, the tax structure remains basically as discussed in this volume.

The Tax Institute's symposium device, involving the assembling of authorities on each subject as outstanding for their knowledge and lucidity as they are distinguished in reputation, nowhere appears to better advantage than in the handling of this topic. The twenty papers are grouped under six headings: Taxation and Concentration of Business Enterprise, Retention of Earnings Essential to Business Survival and Growth, Competition from Tax-Exempt Form of Business Enterprise, Effect of Rates on Individuals on Business Development and

Survival, Corporate Tax Provisions Affecting Business Concentration, and Theory of Business Taxation.

Contributors include both academic and business people, assembled by a program committee of which A. D. H. Kaplan, of The Brookings Institution, was chairman. The volume has an excellent index. W.S.S.

## Additional Books and Pamphlets

### Conferences

**HOW TO ATTEND A CONFERENCE.** By Dorothea F. Sullivan. New York, Association Press, 1954. 61 pp. \$1.00.

### County Government

**HANDBOOK ON COUNTY GOVERNMENT ORGANIZATION.** Arlington (Virginia), Office of the County Manager, July 1954. 152 pp.

### Debt

**THE RESULTS OF BOND ISSUE EXPENDITURES FOR TUBERCULOSIS FACILITIES 1951-1954.** This is the story of how money voted by the people of Michigan was spent to provide more tuberculosis beds than necessary, in the wrong locations, at a cost 60 per cent greater than was commonly understood to have been authorized. Detroit, Citizens Research Council of Michigan, October 1954. 37 pp.

### Elections and Voting

**MICHIGAN'S RECOUNTS FOR GOVERNOR, 1950 AND 1952: A Systematic Analysis of Election Error.** By Samuel J. Eldersveld and Albert A. Applegate. Ann Arbor, University of Michigan, Institute of Public Administration, 1954. 178 pp.

**THE MICHIGAN STATE DIRECTOR OF ELECTIONS.** By Glendon A. Schubert, Jr. The Inter-University Case Program. Cases in Public Administration and Policy Formation. ICP Case Series: Number 23. University, University of Alabama Press, 1954. 65 pp.

**Ethics**

ETHICAL STANDARDS AND PROFESSIONAL CONDUCT. Philadelphia, The American Academy of Political and Social Science, *The Annals*, January, 1955. 124 pp.

**Federal Government**

THE FEDERAL GOVERNMENT SERVICE: ITS CHARACTER, PRESTIGE, AND PROBLEMS. New York, Columbia University, Graduate School of Business, The American Assembly, and Chicago, Public Administration Clearing House, November 1954. 189 pp.

**Government Employment**

GOVERNMENTAL EMPLOYMENT IN HAWAII. By Robert M. Kamins and Enid Beaumont. Honolulu, University of Hawaii, Legislative Reference Bureau, November 1954. 25 pp.

**Government Text Books**

CAPITOL, COURTHOUSE AND CITY HALL. Readings in American State and Local Government. By Robert L. Morlan. Boston, Houghton Mifflin Company, 1954. 356 pp.

LOCAL GOVERNMENT AND ADMINISTRATION—PRINCIPLES AND PROBLEMS. By James E. Pate. New York, American Book Company, 1954. 603 pp. \$5.75.

**Grants-in-Aid**

FEDERAL GRANT-IN-AID PROGRAMS IN PENNSYLVANIA 1941-1953. Harrisburg, Pennsylvania Commission on Intergovernmental Relations, 1954. xi, 275 pp.

THE IMPACT OF FEDERAL GRANTS-IN-AID ON CALIFORNIA. By Earl C. Segrest and Arthur J. Misner. Berkeley, University of California, Bureau of Public Administration, 1954. xviii, 347 pp. \$4.50.

**Legislation**

SYMPOSIUM ON LEGISLATION. Boulder, University of Colorado, School of Law, *Rocky Mountain Law Review*, June, 1954. 138 pp. \$1.25.

**Municipal Insurance**

INSURANCE PRACTICES OF OREGON CITIES. A Survey of Practices in 70 Cities Having over 1,000 Population. Eugene, University of Oregon, Bureau of Municipal Research and Services in cooperation with League of Oregon Cities, October 1954. 47 pp. \$1.00.

**Nominations**

THE KNOW HOW OF NOMINATIONS. The Presidential Nominating Process. Louisville 2, League of Women Voters of Kentucky, September 1954. 31 pp.

**Old Age Assistance**

NORTH CAROLINA OLD AGE ASSISTANCE LIEN LAW. By Roddey M. Ligon, Jr. Chapel Hill, University of North Carolina, Institute of Government, September 1954. 42 pp. 75 cents.

**Parking**

KANSAS CITY DOWNTOWN PARKING SURVEY. AN OPINION SURVEY OF GREATER KANSAS CITY'S WOMEN SHOPPERS. Kansas City, Missouri, Community Studies, Inc., August 1954. 24 pp.

**Parking Meters**

PARKING METERS. A Study of Their Number, Revenue and Use. Washington, D. C., Highway Research Board, 1954. x, 119 pp. \$1.35.

**Parks**

REPORT OF THE COMMITTEE ON THE DEVELOPMENT AND ADMINISTRATION OF STATE PARKS IN NEBRASKA. Lincoln, Nebraska Legislative Council, 1954. 31 pp.

**Planning**

CHANGES IN WESTCHESTER. White Plains (New York), Westchester County Department of Planning, January 1955. 28 pp. Illus.

CITY PLANNING AT YALE. A Selection of Papers and Projects. Edited by Christopher Tunnard and John N. Pearce. New Haven, Yale University, Department of Architecture, Graduate Program in City Planning, 1954. 86 pp. \$1.50.

### **Radio and Television**

**MUNICIPAL REGULATIONS, TAXATION AND USE OF RADIO AND TELEVISION.** By Charles S. Rhyne. Washington 6, D. C., National Institute of Municipal Law Officers, 1955. 84 pp. \$3.00.

### **Reapportionment**

**DEMOCRACY DENIED. A STUDY OF REAPPORTIONMENT IN MINNESOTA.** Minneapolis, League of Women Voters of Minnesota, June 1954. 30 pp. 25 cents.

### **Reference Books**

**STATISTICAL ABSTRACT OF THE UNITED STATES 1954.** Washington, D. C., U. S. Department of Commerce, Bureau of the Census, 1954. xvi, 1056 pp. \$3.75. (Apply Superintendent of Documents, Washington 25, D. C.)

### **Refuse Disposal**

**PROCEEDINGS LOCAL GOVERNMENT CONFERENCE ON REFUSE DISPOSAL METHODS,** April 22, 23, 1954. Pittsburgh, University of Pittsburgh, Graduate School of Public Health and Institute of Local Government, and Harrisburg, Commonwealth of Pennsylvania, Department of Health, 1954. 106 pp. \$1.00.

### **Retirement Systems**

**COORDINATING LOCAL RETIREMENT SYSTEMS WITH FEDERAL SOCIAL SECURITY.** By A. A. Weinberg. Chicago 37, Municipal Finance Officers Association, January 1955. 12 pp. 75 cents.

**PUBLIC EMPLOYEE RETIREMENT IN TEXAS.** By John E. Swanson and Francis A. Miskell. Austin, University of Texas, Institute of Public Affairs, 1955. 158 pp. \$1.50.

### **Salaries**

**COUNTY SALARIES IN IOWA—1954.** By Clayton L. Ringgenberg. Iowa City, State University of Iowa, Institute of Public Affairs, 1954. 72 pp.

**1954 SUPPLEMENT TO THE SURVEY OF WAGE AND SALARY PROGRAMS IN THE MUNICIPALITIES OF ALLEGHENY COUNTY.**

Pittsburgh, University of Pittsburgh, Institute of Local Government, 1954. 20 pp. 25 cents.

**1954 WAGE AND SALARY SURVEY. PAY RANGE AND LEVELS CHART:** City of Chicago, Board of Education, Municipal Court, Chicago Public Library, Municipal Tuberculosis Sanitarium, Chicago Welfare Administration, Chicago Housing Authority, Chicago Park District, Cook County, Sanitary District of Chicago, State of Illinois, University of Illinois. Chicago, Citizens' Civil Service Association of Illinois, November 1954. v.p.

### **Streets and Highways**

**MICHIGAN STATE HIGHWAY EXPENDITURE POLICY.** By Hubert H. Frisinger. Ann Arbor, University of Michigan, Institute of Public Administration, 1954. vii, 115 pp. \$2.

### **Taxation and Finance**

**FACTS AND FIGURES ON GOVERNMENT FINANCE 1954-1955.** New York, The Tax Foundation, 1954. 251 pp.

**HISTORICAL STATISTICS ON STATE AND LOCAL GOVERNMENT FINANCES 1902-1953.** Washington, D. C., U. S. Department of Commerce, Bureau of the Census, 1955. 25 pp. 25 cents.

**REVIEW OF PRINCETON SURVEYS' STUDY OF UTAH'S TAX SYSTEM.** Salt Lake City, Utah Foundation, *Research Report*, January 1955. 6 pp.

**TAX POLICIES IN NEW HAMPSHIRE.** Concord, Commission to Recommend Reorganization of the Tax Structure, 1954. viii, 102 pp.

**THE TAX PROBLEM: SECOND REPORT OF THE TAX STUDY COMMITTEE FOR THE COMMONWEALTH OF PENNSYLVANIA. CONCLUSIONS. APPENDIX.** Harrisburg, the Committee, January 1955. 197, 29 and 50 pages respectively.

### **Water and Sewage**

**WATER AND SEWER SERVICES IN COLORADO.** Boulder, Colorado Municipal League, December 1954. 24 pp. \$3.00.



were discussed over luncheon at the Columbia University Club, New York, by, left to right, Alfred Willoughby, League executive director; Richard S. Childs, chairman, League executive committee; H. Eliot Kaplan, former New York State deputy comptroller; and Dr. Roy V. Peel, former U. S. census director.



## League Moving Soon to Its Own Building

(Continued from page 121)

The League announced that the headquarters will be known as the Carl H. Pforzheimer Building. It is named for the League treasurer, whose generous contribution in large measure made possible the purchase of the structure.

The campaign for funds to pay for the remodeling and to purchase additional furniture and equipment required is continuing. William Collins, chairman of the League Finance Committee, was busily at work on this undertaking as the REVIEW went to press.

It is the plan of League officers to place a plaque with the names of contributors in a prominent position in the Carl H. Pforzheimer Building.

Contributions, which are tax deductible, continue to come into the League's offices. In addition to those already acknowledged in these columns, the following gifts have been received:

Homer E. Dowdy, Mrs. Clara M.

### Around the World with the NML

Hugh R. Pomeroy, long-time friend of the League and authority on planning, met an old acquaintance of the League during a recent trip to Finland. In Jakobstad, he renewed his acquaintance with Paul Hallvar, mayor of that city. Mr. Hallvar was a panelist at the 1952 National Conference on Government in San Antonio. He and Mr. Pomeroy celebrated their reunion by writing a joint note to members of the League staff.

Lagace, Standard Oil Foundation, Inc., H. R. Bennett, A. C. Breckenridge, V. C. Thompson, George S. Case, Jr., John J. Mahoney, Georgia Taxpayers Union.

Also Frank A. Huntress, The J. M. Kaplan Fund, Inc., City Club of Portland, Arnold S. Zander, C. C. Morris, William H. Bulkeley, S. C. Jorrie, A. Lester Slocum, Sidney Gottesfeld, Barcus, Kindred & Company, Jacob D. Dumelle, Citizens League of Greater Minneapolis, C. E. Reeves, New Orleans Public Service, Inc., Mrs. H. Prentice Hapgood, D. Hayes Murphy, The Wiremold Company, James S. Copley, Miss Julia W. Merrill, Francis Kiefer.

Also P. C. Lawson, Donald H. Blatt, International Harvester Company, Town of Barrington, Rhode Island, Bankers Trust Company, Harry C. Williams, E. Monroe O'Flynn, George Rhoades, Seattle-First National Bank.

Also O. W. Campbell, Newton Rosenzweig, Granville W. Moore, Charles W. Shull, Lloyd Hale, James A. Singer, L. W. Hill, Jr., Stanley H. Renton, *Western City*.

Also Walter M. Phillips, Mrs. Ora R. Vick, The Bankers Bond Company, Inc., The National Federation of Business and Professional Women's Clubs, Robert T. Paine, John Nuveen, Mrs. Laura H. Lunde, the *Battle Creek Enquirer and News*, Mr. and Mrs. Harlan Miller, William H. Johnson, Robert Woods Bliss, Floyd W. Benson, Edwin O. Stene, T. J. Robak, The Standard Oil Company of Ohio, Henry J. McFarland, Jr., Val C. Mogenssen, William Anderson, Paul D. Foxworthy, George E. Goldthwaite, H. Curtis Mial, Sears, Roebuck and Company.

# Model Planning Law Published

The League's *Model State and Regional Planning Law*, just out, is the organization's eleventh publication (or revision of an earlier work) to appear in the last twelve months.

It was rushed to completion at the request of legislators, legislative councils and planners as a guide for states looking forward to the enactment of laws to take advantage of a provision of the 1954 Housing Act which authorizes planning assistance to communities. The act appropriated \$5,000,000 to help pay the cost of regional planning activities and planning undertakings in cities of 25,000 population or less.

According to the law, aid to the smaller cities must be funnelled through state planning agencies. Since many states do not have suitable agencies or planning laws, many communities might fail to qualify.

The League's new model is designed to fill the need for state governments which wish to initiate or improve planning machinery.

Dr. Coleman Woodbury, nationally known planning expert, and more than 50 other authorities assisted the League in preparation of the model. Dr. Woodbury also wrote the 28-page introduction which not only sets forth the thinking behind the model law but is an unusual exposition of the philosophy, meaning and necessity for planning.

Dr. Woodbury, now at Princeton University, is editor and co-author of *The Future of Cities and Urban Development and Urban Development: Problems and Practices*, works which won an award provided by the Franklin D. Roosevelt Foundation for the best book

## Larsen Elected

League staffer William F. Larsen, a member of the Political Science Department faculty at the University of Florida who is spending this year in New York as the holder of the League's Staff Fellowship, was recently elected to the Executive Council of the Southern Political Science Association. This action came during the association's annual meeting at Columbia, South Carolina. Larsen's term runs until 1957.

in the field of government and human welfare.

The Columbia University Legislative Drafting Research Fund provided technical assistance in the preparation of the legal text.

The new model, which may be ordered from the League, costs \$1.00; there is a discount for quantity orders.

## Harvey Walker Honored

Professor Harvey Walker of Ohio State University, a member of the League's Committee on State Government, was awarded the Order of Merit of the Federal Republic of Germany for his contribution to the reconstruction of postwar Germany. Dr. Walker made a study of German public administration and legislation in 1953.

## Thanks, Governor!

LeRoy Collins, governor of Florida, thanked the League for a copy of its recently published *Model Investment of State Funds Law*. He wrote that the model "appears to contain a great deal of helpful information."

# Tools for Achieving Better Government

Citizen groups often turn to the League for help in achieving better government in their locality. Listed below are some of the tools available to them:

## Campaign Pamphlets

Story of the Council-Manager Plan, 36 pages (1954).....	\$ .20
Charts: Council-manager Form, Commission Form, Mayor-council Form (17½ x 22½"), 50 cents each, set of three.....	1.00
County Manager Plan, 24 pages (1950).....	.20
Forms of Municipal Government—How Have They Worked? 20 pages (1953).....	.25
Facts About the Council-Manager Plan, 8 pages (1954).....	.05
City Employees and the Manager Plan, 4 pages (1952).....	.05
Labor Unions and the Council-Manager Plan, 8 pages (1953).....	.05
P. R., 12 pages (1952).....	.05
The Citizen Association—How to Organize and Run It, 64 pages (1953).....	.75
The Citizen Association—How to Win Civic Campaigns, 64 pages (1953).....	.75

(The two pamphlets above may be purchased together for \$1.20)

## Model Laws

Model Accrual Budget Law, 40 pages (1946).....	.75
Model Cash Basis Budget Law, 42 pages (1948).....	.75
Model City Charter, 173 pages (1941).....	1.50
Model County and Municipal Bond Law, 54 pages (1953).....	1.00
Model County Charter (New edition in preparation.).....	1.00
Model Direct Primary Election System, 48 pages (1951).....	1.00
Model Investment of State Funds Law, 23 pages (1954).....	1.00
Model Real Property Tax Collection Law, 40 pages (1954).....	1.00
Model State and Regional Planning Law (1954).....	1.00
Model State Civil Service Law, 32 pages (1953).....	.75
Model State Constitution, 72 pages (1948).....	1.00
Model State Medico-legal Investigative System, 39 pages (1954).....	.50
Model Voter Registration System, 56 pages (1954).....	1.00

## Other Pamphlets and Books

American County—Patchwork of Boards, 24 pages (1946).....	.35
Best Practice Under the Manager Plan, 8 pages (1954).....	.15
Civic Victories, by Richard S. Childs, 367 pages (1952).....	3.50
Citizen Organization for Political Activity: The Cincinnati Plan. 32 pages (1949).....	.50
Coroners in 1953—A Symposium of Legal Bases and Actual Practices, 90 pages, mimeographed (1954).....	2.00
Digest of County Manager Charters and Laws, 70 pages (1954).....	2.00
Guide for Charter Commissions, 44 pages (1952).....	.75
Manager Plan Abandonments, by Arthur W. Bromage, 36 pages (1954).....	.50
The Metropolitan Problem—Current Research, Opinion, Action, by Guthrie S. Birkhead (reprinted from NATIONAL MUNICIPAL Re- view), 12 pages (1953).....	.25
More Responsible States. Panel Discussion, National Conference on Government, Richmond, Virginia, 33 pages, mimeographed (1953).....	.50
Proportional Representation—Illustrative Election, 8 pages (1951).....	.10
Proportional Representation—Key to Democracy, by George H. Hallett, Jr., 177 pages (1940).....	.25
Women as Campaigners. Panel Discussion, National Conference on Government, Richmond, Virginia, 32 pages, mimeographed (1954).....	.50

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